OCT 30 1905

THE

HISTORICAL DEVELOPMENT

OF THE

POOR LAW OF CONNECTICUT

L C

BY

EDWARD WARREN CAPEN, B.A.

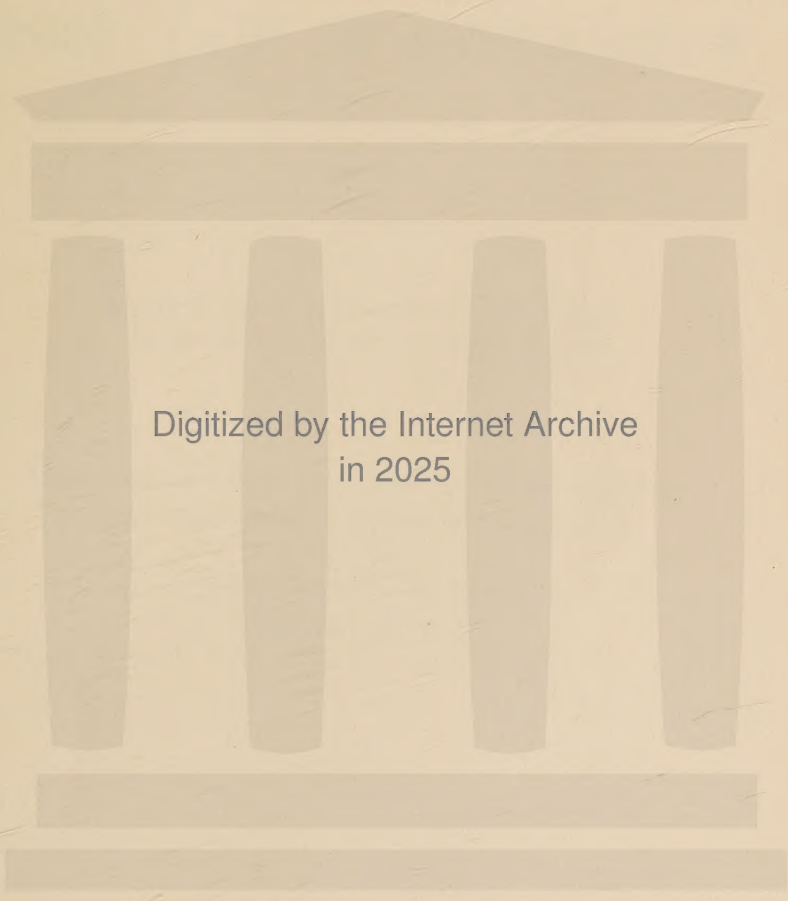
Alumni Lecturer at Hartford Theological Seminary

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

New York
1905

STANFORD UNIVERSITY LIBRARIES
WITHDRAWN

3781
C72C
CLASSES
Dissertation


Digitized by the Internet Archive
in 2025

https://archive.org/details/historicaldevelo0000edwa_h9w8

THE

HISTORICAL DEVELOPMENT

OF THE

POOR LAW OF CONNECTICUT

BY

EDWARD WARREN CAPEN, B.A.

Alumni Lecturer at Hartford Theological Seminary

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

New York
1905

COPYRIGHT, 1905,
BY
EDWARD WARREN CAPEN

PREFACE

As the title indicates, the aim of this study of the Poor Law of Connecticut is merely to trace its development from its beginnings in the early colonial period to its present form; from the simple provisions of the seventeenth century to the complicated and elaborate statutes of the twentieth. No attempt has been made to relate this growth to the social, economic, and industrial history of the colony and state. This is a crowning excellence of the great *History of the English Poor Law* by Sir G. Nicholls, but, important and necessary as such treatment is for the full understanding of poor laws, the more modest undertaking is embodied in this monograph.

Nor has much been said about the practical working of the laws. A study of the administration of the public charities of Connecticut must be left to another time or to other hands. Except for the last half-century, this will always be a task requiring diligent research, for the state library possesses only a fraction of the public documents of the state previous to 1850. Some years ago, through carelessness or ignorance of their value, all these earlier documents were destroyed to make room for what was deemed of greater importance. This lamentable blunder, which to the historian seems almost an unpardonable crime, makes a study of the administrative side of the law one of extreme difficulty, for it is to reports that one naturally turns for light on this subject. It is a pleasure to add that the present state librarian is doing all in his power to make good this loss, and may in time succeed in securing

from other libraries and from individuals most of the missing documents. No such destruction will ever be possible under the present or, it is to be hoped, any future administration.

My thanks are due to the Faculty of Hartford Theological Seminary for assistance rendered during three years in the preparation of this book; to Hon. O. Vincent Coffin, governor of Connecticut from 1895-97, for his kind interest and help; to the secretary of state of Connecticut, Hon. Charles G. R. Vinal, and the clerks in his office, who kindly gave free access to the manuscript records of the state; and especially to Mr. George S. Godard, the courteous and efficient librarian of the state library, and his assistant, Mr. Charles R. Green, who placed all the treasures of the library at my disposal and were apparently never allowed to give as much assistance as they desired. I am under great obligations to Judge Samuel O. Prentice, of the Connecticut Supreme Court of Errors, for help with legal problems; to Mr. Charles P. Kellogg, secretary of the State Board of Charities, for much valuable information and assistance, and above all to my instructor and friend, Professor Franklin H. Giddings, LL. D., of Columbia University, at whose suggestion this task was undertaken, and whose kindly interest and continued guidance have been invaluable. If the study shall help to a better understanding of the historical development of one of the most interesting of American poor laws, I shall feel well repaid for the time and labor devoted to it.

EDWARD WARREN CAPEN.

HARTFORD, CONNECTICUT, MAY, 1904.

TABLE OF CONTENTS

PAGE

INTRODUCTION

Characteristics of periods and methods of treatment 17
Sources 18

CHAPTER I

EARLY COLONIAL PERIOD, 1634–1712

I. Chief characteristic: establishment of principle of relief by towns; first step towards relief by colony or state 22
II. Preventive measures 23
1. Regulation of entertainment of strangers 23
2. Laws of settlement 26
(1) New Haven law of 1656 26
(2) Laws of Connecticut before 1702 28
(3) Law of revision of 1702 32
(4) Effect of division of towns 33
3. Laws for support of relatives 34
4. Laws against idleness 35
5. Laws against intemperance 36
6. Laws for support of slaves 37
7. Laws against bastardy 38
III. Methods of relief 40
1. The duty of towns 40
2. Methods prescribed by Governor Andros 41
3. Methods prescribed by revision of 1702 42
4. Methods prescribed by law Title "Sickness" 43
5. Exemption from taxes 45
6. Regulation of briefs 45
7. Levy of taxes by selectmen 45
IV. Special legislation 46
1. Laws for protection of Indians 46
2. Laws for care of insane 47
3. Pension laws 50

PAGE
4. Laws for protection of minors 50
(1) Early laws regarding stubborn children 51
(2) Laws for the education and training of children . . 52
(3) Regulation of apprenticeship 56
V. Summary 57

CHAPTER II

Late Colonial Period, 1713–1784

I. Chief characteristic: workhouse laws 59
1. Early laws against vagrancy 59
2. Laws regarding colony workhouse, 1727 *et seq* 61
3. Laws regarding county workhouses, 1750 *et seq.* 66
II. Preventive measures 68
1. Laws of settlement 68
(1) Changes previous to 1770 68
(2) Act of 1770 70
(3) Laws regarding foreigners 72
(4) Summary of laws of settlement in 1784 72
(5) Effect of division of towns 73
2. Laws for support of relatives 74
3. Laws for support by one's estate; conservators 76
4. Laws for care of idle persons; overseers 77
5. Laws for support of widow from estate of husband . . . 79
6. Laws for support of slaves 80
7. Laws against bastardy 80
III. Methods of relief 81
1. Relief by towns and colony 81
(1) Methods prescribed by law Title "Idiots" 81
(2) Methods prescribed by law Title "Sickness" . . . 82
(3) Weakness of laws 83
(4) Relief by colony 84
(5) Cost of pauperism 85
2. Exemption from taxes 86
3. Levy of taxes by selectmen 88
4. Regulation of briefs 88
IV. Special legislation 88
1. Laws for protection of Indians 88
2. Laws for care of insane 89
3. Pension laws 91
4. Laws for protection of minors 94
Regulation of apprenticeship 94
V. Summary 95

CHAPTER III

PAGE

PERIOD OF INTERPRETATION AND COMPLETION, 1784–1838

I. Chief characteristic 97
II. Preventive measures 97
1. Laws of settlement 97
(1) Act of 1789 97
(2) Settlements acquired by commorancy 100
(3) Miscellaneous changes 102
(4) Summary 105
(5) Effect of division of towns 107
(6) Digest of decisions 109
a. General 109
b. Acquisition and loss of settlements 110
c. Effect of incorporation of new towns 112
d. Removal of paupers 113
e. Settlement of married women 113
f. Settlement of legitimate children 114
g. Settlement of bastards 115
h. Settlement of slaves 115
2. Laws for support of relatives 116
Digest of decisions 116
(1) General 116
(2) Support of children of divorced parents 117
3. Laws for support by host 117
4. Laws for reimbursement from estate of deceased pauper . 118
5. Laws regarding conservators 118
Digest of decisions 120
6. Laws regarding overseers 121
Digest of decisions 123
7. Law for support of widow from estate of husband 124
8. Laws against intemperance 125
9. Laws for support of slaves 125
10. Laws against bastardy 126
(1) Bastardy law of revision of 1821 126
(2) Laws against abortion, secret deliveries, concealing the death of bastards, fornication 128
(3) Digest of decisions 129
a. Nature of suit; averments 129
b. Suits by towns 130
c. Evidence; judgments 131
d. Maintenance 132

PAGE

III. Methods of relief 133
1. Relief by towns and state 133
(1) Erection of town almshouses authorized 133
(2) Obligation of towns; legal methods 134
(3) Duties of selectmen 135
(4) Obligation of state 138
a. Limitations; contract system 139
b. Discussion of extent of liability 140
(5) Care of sick; opening of first public hospital . . . 143
(6) Digest of decisions 143
a. Responsibility of towns 143
b. Duties of town officers 145
2. Exemption from taxes 146
3. Levy of taxes by selectmen 149
4. Regulation of briefs 149
IV. Special legislation 149
1. Laws against vagrancy 149
(1) Substitution of town for county workhouses 149
(2) Those to be committed 151
(3) Decision 153
(4) Comment 153
2. Laws for protection of Indians 153
3. Laws for care of insane 155
(1) Dangerous and criminal insane 155
(2) Methods used; first asylum chartered 157
4. Laws regarding deaf, dumb, and blind 158
(1) Annual returns 158
(2) Appropriation for deaf and dumb 158
5. Pension laws 159
6. Laws for protection of minors 162
(1) Incorporation of orphan asylums 162
(2) Changes in laws for educating and binding-out; factory laws 163
(3) Penalty for abandoning child 167
(4) Custody of children of divorced parents 167
(5) Digest of decisions 167
V. Summary 169

CHAPTER IV

Institutional Period, 1838–1875

I. Chief characteristic 172
II. Preventive measures 172

PAGE

1. Laws of settlement 172
(1) Changes and additions 172
(2) Effect of changes in boundaries of towns 175
(3) Digest of decisions 176
a. Evidence 176
b. Acquisition and loss of settlements 176
c. Effect of changes in boundaries 179
d. Settlement of children 180
e. Settlement of slaves 180
2. Laws for support of relatives 181
Digest of decisions 181
3. Laws for support of children by divorced parents 182
4. Laws for support by host and employer 183
5. Laws for reimbursement from estate of deceased pauper . 183
6. Laws regarding conservators 183
(1) The probate court and its jurisdiction 184
(2) Conservators for non-residents 186
(3) Bonds and sureties 189
(4) Resignations, new appointments 190
(5) Reports, sales, investments 191
(6) Miscellaneous powers 193
(7) Digest of decisions 194
7. Laws regarding overseers 196
Digest of decisions 198
8. Law for support of widow from estate of husband 199
9. Laws against intemperance 199
Asylums chartered and regulated 200
10. Laws for support of slaves 201
11. Laws against bastardy 202
(1) Legal changes 202
(2) Digest of decisions 204

III. Methods of relief 205
1. Relief by towns and state 205
(1) Obligations of towns and their officers 206
(2) Obligations of state 208
(3) Digest of decisions 210
a. Who are paupers? 210
b. Liability of towns; notices 211
c. Power of selectmen 213
2. State board of charities 213
3. Investigations of 1851 and 1874 215
(1) Statistics of pauperism in 1851 216

PAGE
(2) Methods of relief in 1851 219
(3) Proposed system of relief by counties 220
(4) Statistics of pauperism in 1874 221
4. Exemption from taxes 223
5. Levy of taxes by selectmen 224
IV. Special legislation 224
1. Laws against vagrancy 224
(1) Law for use of jails as workhouses 225
(2) Changes in former laws 226
2. Laws for care of sick 228
Appropriations for hospitals 228
3. Laws for protection of Indians 229
4. Laws for care of insane 231
(1) Early investigations and their results 231
(2) Establishment of state hospital 237
(3) Laws regulating commitments to and discharges from asylums 240
(4) Miscellaneous laws; decision 242
(5) Laws for care of criminal insane 243
5. Laws for care of feeble-minded 245
(1) Investigation of 1856 and its result 245
(2) Establishment of Lakeville school with state aid . 246
6. Laws regarding deaf and dumb 247
7. Laws regarding blind 248
8. Pension laws 249
(1) Emergency appropriations 249
(2) Exemption from taxes 250
(3) Incorporation of Fitch's Home and Connecticut Soldiers' Home. 251
(4) Relief of families of soldiers 252
a. Bounty for soldiers' orphans 252
b. Connecticut soldiers' orphans' home 254
9. Laws for protection of minors 255
(1) Provisions for institutional care 255
a. State reform school; establishment, government, management 255
b. Industrial school for girls; establishment, management 259
c. New private institutions 262
d. Hartford Home 263
(2) Changes in laws 266
a. Laws for giving children in adoption 266

PAGE
b. Laws regulating binding-out 267
c. Laws for care of neglected children 268
d. Laws regulating employment and education of minors 269
Truancy laws 270
(3) Digest of decisions 272
V. Summary 272

CHAPTER V

Period of Special Legislation, 1875–1903

I. Chief characteristic 276
II. Preventive measures 276
1. Laws of settlement 276
(1) Experiment of 1875–78 277
(2) Summary of present law 278
(3) Effect of changes in boundaries of towns 280
(4) Digest of decisions 281
2. Laws for support of relatives 283
Digest of decisions 286
3. Laws for support of children by divorced parents; decision. 287
4. Laws for support by host and employer 287
5. Law for reimbursement from estate of deceased pauper 288
6. Law for disclosure of property by applicant for relief . . 288
7. Laws regarding conservators 289
(1) Methods of appointment 289
(2) Bonds and sureties 292
(3) Removals 293
(4) Duties and powers 294
(5) Conservators for non-residents 298
(6) Digest of decisions 299
a. Jurisdiction; bonds 299
b. Disability of ward 301
c. Powers of court and conservator 302
8. Laws regarding overseers 303
9. Law for support of widow from estate of husband 305
10. Laws against intemperance 306
Institutional care for drunkards 307
11. Laws against bastardy 309
(1) Laws against fornication, seduction, *etc.* 309
(2) Bastardy law 310
(3) Digest of decisions 313
12. Law limiting marriages of epileptics, *etc.* 318

PAGE

III. Methods of relief 319
1. Relief by towns and state 319
(1) Relief of those with settlements in Connecticut . . 319
(2) Relief of those without settlements in Connecticut. 323
(3) Digest of decisions 326
2. State board of charities: composition, duties, powers . . 331
3. Exemptions from taxes 334
4. Levy of taxes by selectmen 335
5. Poor-law administration 335
(1) Methods used 335
(2) Changes proposed 339
(3) Outdoor relief 341
IV. Special legislation 345
1. Laws against vagrancy 345
(1) New statutes 346
(2) Laws for maintenance of workhouses 347
(3) Practical failure of laws 351
2. Laws for care of sick 352
(1) Appropriations for hospitals 352
(2) Discussion of policy 353
3. Laws for protection of Indians 354
4. Laws for care of insane 357
(1) General laws 357
a. Laws regulating commitments 357
b. Laws regulating commitments of paupers and indigents 361
c. Penalty for illegal commitments 362
d. Laws regulating releases, discharges, public supervision 362
(2) Law for licensing private asylums 365
(3) Laws governing state hospitals 366
a. Middletown hospital 366
b. Norwich hospital 368
c. Laws for support of inmates 369
(4) Care of insane in almshouses 371
(5) Digest of decisions 372
(6) Laws for care of criminal insane 374
a. Those acquitted of criminal charge 374
b. Those in jails 375
c. Those in state prison 376
d. Decision 379
5. Laws for care of feeble-minded; Lakeville school . . . 379

PAGE
6. Laws regarding deaf and dumb 381
7. Laws regarding blind 381
(1) Board of education for the blind; powers 382
(2) Connecticut Institute and Industrial Home 383
(3) Present policy 386
(4) Exemptions from licenses and taxes 386
8. Pension laws 387
(1) State pension law 387
(2) Exemptions from taxes and licenses 387
(3) Laws for preferment in public employment 389
(4) Laws for burying and marking graves of veterans. 390
(5) Relief of veterans and their families 393
a. Soldiers' hospital board; powers 393
b. Provisions for institutional care 395
c. Aid to families of veterans 396
d. Aid to veterans in their homes 397
e. Fitch's Home 399
f. Bounty for soldiers' orphans; decision 400
9. Laws for protection of minors 401
(1) Laws regulating infants' homes and maternity hospitals 402
(2) County temporary homes for dependent children . 404
a. Purpose; management 405
b. Commitments; authority of boards of management 408
c. Support and education 413
d. Decision 416
e. Statistics; results 416
(3) Home for incurables 422
(4) Private institutions 423
(5) Industrial and reform schools 424
a. Laws regulating boys' school; decision 424
b. Laws regulating girls' school 428
c. Laws regulating both schools 430
d. Administration of schools 432
(6) Probation Law of 1903 436
(7) Laws regulating giving children in adoption . . . 437
(8) Laws regulating binding-out 438
(9) Laws against abandonment and abuse of children; Connecticut Humane Society 441
(10) Laws regulating education and employment of minors 444
Truancy laws 449

PAGE
V. Summary 451
Progress, 1634 to 1903 455

CHAPTER VI

CONCLUSION

Advantages of town system 464
Weakness of town system 464
Need of differentiation 465
Best policy regarding institutions 466

BIBLIOGRAPHY. 467

INDEX TO DECISIONS— I. BY TITLES. 473

II. BY REFERENCES. 478

INDEX TO PUBLIC STATUTES 482

SUBJECT INDEX 500

INTRODUCTION

In this study of the development of the Connecticut Poor Law, it has seemed wise to divide the three centuries into periods and to trace growth during each. By thus making, as it were, cross sections and studying the system at each point with reference to what precedes and what follows, the best idea may be secured both of the trend and of the specific steps.

The underlying principle of the development is differentiation. At first a poor law is simple; all needy persons are classed together and given the same assistance. Later it is discovered that needs differ, that certain classes have been overlooked, and legislation is provided to meet the newly-discovered wants. There is a parallel development in administration. The duty of caring for paupers is left at first to the initiative of local officials. With the growth of population and the increase in the complexity of social life, it is discovered that duties must be imposed and methods prescribed. The Connecticut poor law exhibits these two lines of development.

The history naturally falls into two main divisions, the period of the colony and the period of the state. For the present purpose the colonial period closes with the revision of the statutes in 1784, which was made to adapt the laws of the colony to the needs of an independent, confederated state. The colonial period naturally divides at 1712, in which year steps were taken towards the first great differentiation, namely, that of the tramp and vagrant from the true pauper. A workhouse system was devised for the

former, while the latter remained under the care of town officials.

The dividing points in the century and a quarter since 1784 are not quite so obvious, and yet there are three fairly well defined periods, in each of which some one feature or tendency is clearly discerned. The closing year of each of the first two has been made to coincide, for the sake of convenience, with a revision of the statutes.

The years 1784 to 1838, closing with the revision or, more accurately, the compilation of that year, were marked by the rounding out of the system and its judicial interpretation. The period ending with the revision of 1875 may be characterized as the institutional period. It was during these years that minors and adults were first cared for in public or private institutions. The period 1875-1903 has been preëminently that of special legislation. Strictly speaking, the period closed with the revision of 1902, though the changes made by the general assembly of 1903 have been included, as have the decisions published before April, 1904.

In each of the first four periods the method used is to give in detail all changes and additions to the laws, and briefly to summarize the entire system. A detailed description of all the laws in force would have unduly expanded the study. For the fifth period a slightly different method is pursued. It seemed important to give in full the entire present poor law. The time when the changes and additions were made is indicated in the text or foot-notes. The only omission is of the decisions before 1875, which it was impracticable to repeat.

The sources for each period are as follows:

1634-1712. Volumes 1-5 of the published Colonial Records cover the period. These include the proceedings of general and particular courts from April, 1636, to

December, 1649; proceedings of the general courts from February, 1650, to 1712; the journals and correspondence of the council for portions of the time; selections from the archives regarding the Andros government, and the code of 1650. The New Haven Colonial Records, published in two volumes, cover the history of that colony from 1638 until its union with Connecticut in 1665, and include the New Haven code of 1656. In addition to these there is a reprint of the revision of 1673 and a facsimile reprint, published in 1901 by the Acorn Club, of the revision of 1702. After 1702 the public acts of each session were published and are bound in with the revision.

1712-1784. This period is covered in part by Colonial Records, volumes 5-15, which give the records of the assembly through June, 1776, and include the journal of the council and of the committeee of safety for certain years. The records from October, 1776, to April, 1780, have been published as volumes 1 and 2 of the Records of the State of Connecticut. These include also the journal of the committee of safety for those years. For the remaining years, 1780-1784, reference was had to the manuscript records of the state, volumes 2 and 3. The acts of each year, except 1734-1750, are bound in with the revisions of 1702 and 1750. The only revisions were those of 1750 and 1784.

1784-1838. For this period the chief sources are session laws, the Resolves and Private Laws of Connecticut, volumes 1 and 2, covering the years 1789-1836, and the Resolves and Private Acts of the State of Connecticut, 1837-1841. Volumes 1 and 2 just referred to contain, without preambles and in a classified form, the most important resolutions of those years. The complete records are found only in manuscript. These were studied for the sessions through May, 1792. During the period the laws

were revised three times, the revisions bearing the dates 1796, 1808, and 1821. That of 1821 was the most important. It was made after the adoption of the new state constitution, and the revisers did not merely incorporate the new laws, but brought the statutes into conformity with usage. In the revision of 1808 the laws were first arranged under titles, chapters, and sections, with dates of enactment, foot-notes, and a full index. Of almost equal importance are the court decisions. These are found in Kirby, one volume, reporting cases adjudged in the superior court from 1785 to May, 1788, and some adjudged in the supreme court; in Root, volumes 1 and 2, which cover the years from July, 1789, to January, 1798, and include the decisions of cases adjudged in the superior and supreme courts, "with a variety of cases anterior to that period;" in Day, volumes 1-5, 1802 to November, 1813, which contain the cases decided by the supreme court and, in volumes 1-4, those decided in the United States circuit court; and in volumes 1-13 of Connecticut Reports, which give the decisions of the supreme court of errors to 1838.

1838-1875. There are three chief sources for this period, statutes, decisions, and state documents. Under the first head are included the public and the private or special acts of each session. The public statutes were revised three times, 1849, 1866, and 1875. The last of these was a condensation as well as revision; the archaic phraseology and cumbersome wordings were removed, and there was a general rearrangement of the statutes, supposedly in the interests of classification, though the numbering is very complicated. The decisions of the period are found in Connecticut Reports, volumes 13-41. Beginning with the year 1850 there is available an increasing number of re-

ports, bound up as legislative or state documents. These shed light upon administration.

1875-1903. The sources for these years are the same as those for the preceding period, public statutes, private acts, law reports, and state documents. Only two revisions were made, those of 1888 and 1902. Connecticut Reports, volumes 42-76, cover the period. The mass of reports becomes each year more voluminous and valuable.

The other sources and authorities used are given in the bibliography in the appendix.

CHAPTER I

EARLY COLONIAL PERIOD, 1634–1712

I. Chief Characteristic

In 1680 the English Privy Council, by its Committee for Trade and Foreign Plantations, requested from Connecticut a detailed statement of the condition of the colony. One question was: "What provision is there made . . . for relieving poor, decayed and impotent persons?" The colonial government replied: "For the poor, it is ordered that they be relieved by the towns where they live, every town providing for their own poor; and so for impotent persons. There is seldom any want relief; because labor is dear, *viz.*, *2s.*, and sometimes *2s. 6d.* a day, for a day laborer, and provision cheap." [1]

This statement gives the underlying principle of the system of poor relief in Connecticut. From the beginning it has been distinctively a town matter. While the colony and state have been compelled by circumstances to assume an increasing responsibility, yet this has been kept at a minimum.

During the early colonial period this principle was so fully carried out in both the Connecticut and the New Haven colony, that in the town records are the earliest statements regarding poor relief. Thus in March, 1640(1), the town of Hartford voted to set aside twenty acres on the east side of the Connecticut river "for the accommo-

[1] *Col. Rec.*, iii, 300.

dating of several poor men that the town shall think meet to accommodate there." [1] This antedates by several years the earliest colonial record regarding the poor. The vote would appear to have provided for the entire support of the paupers in question through what would develop later into a town almshouse or poor farm.

Soon after this New Haven took the first steps towards adopting two other methods which were destined to become increasingly prominent. One of these was partial relief of people in their own homes. In 1645 it was propounded to the court that "Sister Lampson should be provided for at the town's charge, so far forth as her husband is not able to do it."[2] It is not stated that this was done, though it might be inferred from the fact that three years later she was in the home of the marshal.[3] The other was actually used in 1657 for the relief of persons who, it was reported, had arrived in Southold from Long Island, after suffering many hardships. They had been relieved by the town, and the court ordered that £5 be allowed towards their support, the sum to be paid by Southold and deducted from the next town tax payable to the colony.[4] This was the beginning of relief by the colony, through the towns.

II. Preventive Measures

1. Regulation of Entertainment of Strangers

Since the burden of poor relief was to be borne by the towns, it was necessary to protect them from being charged with the support of strangers. This was done by regulating the entertainment of transient persons and the admission of inhabitants.

As early as February, 1636, the head of a family in the

[1] *Hart. Town Votes*, 46.
[2] *Ibid.*, 414.
[3] *New Haven Col. Rec.*, i, 227.
[4] *Ibid.*, ii, 218.

Connecticut colony was forbidden to entertain any young man as a member of his family without permission from the inhabitants of the town. Neither could a young man who was unmarried or without a servant keep house by himself, without like permission, unless he was a public officer. 20*s.* a week was the penalty for violating either provision.[1] In 1673 the power to permit a householder to take boarders was vested in the official representatives of the towns, the selectmen,[2] and the law was made to apply to all single persons.[3] With these modifications, the statute remained in force throughout the period.[4]

Soon after the passage of this law the town of Hartford provided a different penalty for this offense. Any one entertaining one who was "not admitted an inhabitant in the town above one month without leave from the town," was "to discharge the town of any cost or trouble that" might "come thereby and be liable to be called in question for the same."[5] At this time the general court was largely an advisory body, and hence this action of Hartford was in no sense irregular.

Similar action was taken by New Haven in 1656. "To prevent, or suppress inconvenience, and disorder in the course and carriage of sundry single persons, who live not in service, nor in any family relation, answering the mind of God in the fifth commandment," it was ordered that no single person of either sex might board or lodge within the colony unless "in some allowed relation" or in some ap-

[1] *Col. Rec.*, i, 8.

[2] In 1639 the towns were directed to elect yearly 3, 5, or 7 selectmen to care for the interests of the town. The revisions of 1673 and 1702 specified that not more than 7 selectmen be chosen. *Col. Rec.*, i, 37; 1702, 111.

[3] *Laws* of 1673, 47. [4] *Laws* of 1702, 58, par. 2; 59, par. 1.

[5] 1639 (40), *Hart. Town Votes*, 29.

proved licensed family. This limited each household to its own members and servants, unless by special permission. The head of each family licensed to keep boarders was required to "observe the course, carriage, and behavior, of every such single person, whether he, or she walk diligently in a constant lawful employment, attending both family duties, and the public worship of God, and keeping good order day and night, or otherwise. And shall then complain of any such disorder, that every such single person may be questioned, and punished, if the case require it." The penalty for boarding or taking boarders contrary to this law was, in accordance with the New Haven custom, such fine as the court or authority should impose.[1]

After the union of the colonies, the general court in May, 1667, extended the law of 1636, prohibiting the entertainment of strangers, to punish any person coming into a town and remaining there, after being warned to depart, without permission from either the town or the selectmen. The penalty was a fine of 20*s.* a week, or, every week, either sitting in the stocks for an hour or receiving corporal punishment. The act stated that it was passed "upon complaint made to this court that divers persons have thrust themselves into the several plantations[2] of this colony, to the unjust disturbance of the same."[3]

It is evident that the purpose of all these laws was to keep out those who would disturb or demoralize. The authorities wished to maintain one type of inhabitant and to exclude all who would break down the established standards. While this was undoubtedly the purpose behind these statutes and also behind the laws regarding settlements, our next topic, they were used to prevent the admission of

[1] *N. H. Col. Rec.*, ii, 608 *et seq.* [2] *I. e.*, towns or settlements.
[3] *Col. Rec.*, ii, 66.

those likely to become public charges. In the course of a few generations this became their real object.

2. LAWS OF SETTLEMENT

The Connecticut principle of entrusting as much power as possible to the towns came out clearly in the laws for admitting inhabitants. While in Massachusetts the court of assistants,[1] at its second session, assumed this power, in Connecticut it was left with the towns, under the regulation of the general court. In May, 1643, it was declared by the court that only those admitted by a majority vote of a town should be counted admitted inhabitants.[2] In 1660 a moral qualification was added. No one was to be admitted unless "known to be of an honest conversation."[3]

In this action the colony followed the example of Hartford, which, as early as January, 1638(9), limited the power of the townsmen or selectmen, "that they receive no new inhabitant . . . without approbation of the body."[4]

The first real law of settlement was passed in 1656 by the New Haven colony. It was designed "to prevent sundry inconveniences which may grow to this jurisdiction and the plantations[5] thereof, by the inconsiderate, and disorderly receiving and entertaining of strangers, or others, to be

[1] The charter of the Governor and Company of Massachusetts Bay in New England provided for the annual election by the freemen of a governor, deputy governor, and 18 assistants, who were to meet once a month, 7 forming a quorum. All the original assistants did not come to Massachusetts. This body, or court of assistants, assumed the name magistrates and enacted the first laws for the colony. *Cf.* Palfrey, *Hist. of N. E.*, i, 291; Winsor, *Mem. Hist. of Boston*, i, 156.

[2] *Col. Rec.*, i, 96: 1702, 58, par. 1. [3] *Ibid.*, i, 351; 1702, *ibid.*

[4] *Hart. Town Votes*, 2.

[5] Jurisdiction was the name used for the colony in New Haven, and occasionally in Connecticut as well. It was composed of the plantations or towns.

planters or sojourners in any part of this colony." It contained four main provisions:

(1) It forbade any inhabitant to entertain any one from outside the plantation or town who came to settle or sojourn there, to sell or lease to such stranger any real estate, or to permit him to remain more than a month without the written permission of some local magistrate, or, where there was no magistrate, without the express order of the major part of the freemen of the plantation, or of the major part of the inhabitants, where there was neither church nor freemen. The penalty was a fine of £10, payable to the plantation where the order was violated. This might be moderated by the court in case the violation occurred through error and caused but slight inconvenience to the plantation or jurisdiction. Travelers, merchants, visiting friends, and servants were excepted.

(2) It allowed the court, at its discretion, to make hosts wholly or partly responsible for any charge arising because of visiting friends.

(3) It required masters to provide for sick servants during the term of their service. If the illness was due to a fault in the master, he might be held responsible for recompense or maintenance for a longer period, at the discretion of the court. Otherwise the plantation disposed of or provided for the sick servant after he left his master.

(4) Finally, to prevent litigation, it ordered,

> That if any person, . . . with, or without license, shall hereafter sojourn . . . within the limits of any plantation in this jurisdiction, for . . . one whole year, every such person shall to all purposes (in reference to any plantation within this jurisdiction, but no further) be accounted an inhabitant there, and shall not be sent back, or returned (unless to some particular person standing, and continuing in relation to receive,

and provide as the case may require) nor shall the jurisdiction, or any other plantation in it be liable to any charge, or burden, in reference to any such person, though he, or she hath dwelt elsewhere in the jurisdiction before.[1]

In the following year, 1657, a supplementary law was passed for the deportation of any stranger who was not accepted by the town or plantation where left by the "seaman or other" who brought him in.[2]

The act of 1656 was the first law in Connecticut by which one could, by mere residence, gain a settlement, including the right to support without danger of removal, save to the care of a relative. Such a settlement later became known as one derived from commorancy.

These laws were in force only until the consummation of the union of the two colonies in 1665. They were significant as the temporary embodiment of important principles. It will be noticed that while the plantation might exclude any stranger, it had to act in each case. If it did not, a man became an inhabitant after a residence of twelve months.

In any system of poor relief by towns, there must be an authority to settle disputes and provide for the relief of persons belonging to no town. Connecticut discovered this need as early as 1650, and provided for it by giving the court of magistrates[3] not only the "power to determine

[1] *N. H. Col. Rec.*, ii, 610 *et seq.*

[2] *Ibid.*, ii, 217 *et seq.*

[3] The Fundamental Orders, 1638(9), provided for the annual election by the general court at its April meeting of magistrates, the governor and 6 others, "to administer justice according to the laws here established, and for want thereof, according to the rule of the word of God." They were nominated at a previous session by the towns through their deputies or by the general court, and the governor had to be "formerly of the magistracy within this jurisdiction." This body formed the court of magistrates. *Cf. Constitutions of Conn.*, ed. 1901, 12 *et seq.* This

all differences about lawful settling and providing for poor persons," but also the power "to dispose of all unsettled persons, into such towns as they shall judge to be most fit for the maintenance and employment of such persons and families for the ease of the country." [1] This gave the court authority to secure the removal of unsettled persons to the towns where they could most easily be supported or employed, and thus to distribute the burden.

Twenty-three years later, in 1673, the general court took further action. It ordered:

. . . . . Every town within this colony, shall maintain their own poor. . . . . If any person come to live in any town in this government, and be there received and entertained three months, if by sickness, lameness or the like, he comes to want relief; he shall be provided for by that town wherein he was so long entertained, and shall be reputed their proper charge, unless such person has within the said three months been warned by the constable, or some one or more of the selectmen of that town, not there to abide without leave first obtained of the town, and certify the same to the next court of assistants,[2] who shall

court was also called the particular court, and until it was succeeded in 1665 by the court of assistants (*vid. post* note 2), it exercised more than judicial functions. It was virtually the general court for specific purposes. *Cf.* Johnston, *Conn.*, 190; *The N. E. States*, i, 475.

[1] *Col. Rec.*, i, 546.

[2] The charter of 1662 prescribed the annual election of a governor, deputy governor, and twelve assistants. The court of assistants in 1665 (*Col. Rec.*, ii, 28) succeeded the court of magistrates, It was composed of the governor or the deputy governor, and at least six assistants, and met semi-annually before the meetings of the general court. There were also two county courts a year in each county, held originally by at least three assistants. Each assistant had jurisdiction in the county of residence of cases involving not more than 40*s*. Appeal might be taken from an assistant to the county court, thence to the court of assistants, and finally to the general court. This last appeal was taken away by the revision of 1702. In 1711 the court of assistants was abolished and a superior

otherwise order the charge arising about him according to justice.[1]

This law, which may be considered the first poor law of the colony of Connecticut, provided that—

(1) Each town should care for its own poor.

(2) Each town, by its proper officials, might escape responsibility for strangers by warning them within three months of their arrival, and certifying the warning to the court having jurisdiction.

(3) Unless so warned, a stranger became the lawful charge of a town by a residence therein of three months.

(4) The court of assistants should order how strangers who had been warned be cared for.

As compared with the New Haven law of 1656, this was more liberal in the matter of residence, the term being three months instead of a year, but less liberal in that removals were not prohibited. The law simply made a town liable for sick strangers after a three months' residence. This was not, strictly speaking, a settlement derived from commorancy, though it amounted to nearly the same thing. Apparently it was so interpreted and undesirable persons thus became inhabitants of towns.

However this may have been, the evil against which previous acts had been directed increased, and in 1682 another law was passed. It read: "Whereas sundry persons of an ungoverned conversation thrust themselves into our townships and by some underhand ways, either by pretense of being hired servants or of hiring of land or houses,

court of five judges substituted, with two sessions a year in each county. It was composed of the deputy governor and four assistants, annually appointed by the general court. Three constituted a quorum. *Revision 1821*, 149 (note).

[1] 1673, 57.

become inhabitants in our townships, whereby much inconveniency doth arise to such places, such persons often proving vicious and burthensome and chargeable to the places where they come, for the prevention thereof it is ordered by this court," that no persons but "prentices under age or servants bought for hire" may reside in any township under the pretenses recited in the preamble without permission from the authority and townsmen; in other words, the resident justices of the peace and the selectmen. The penalty was the old one of 1636 for the unauthorized entertainment of a stranger, 20*s.* a week for entertaining or hiring a stranger or transient person, unless security acceptable to the selectmen and authority had been given to secure the town from expense. The important clause, however, was the provision made for the intruder. The authority in each plantation might order any vagrant or suspected person "to be sent from constable[1] to constable to the place from whence they come, unless they produce good

[1] "In the little town republics, the ancient and honorable office of constable was the connecting link between commonwealth and town. The constable published the commonwealth laws to his town, kept the 'publike peace' of the town and commonwealth, levied the town's share of the commonwealth taxation, and went 'from howse to howse' to notify the freemen of meetings of the general court, and of the time and place of elections of deputies thereto. 'The parish,' says Selden, 'makes the constable; and, when the constable is made, he governs the parish.' He might even become the instrument of a legal revolution, in case the governor and magistrates refused to call the regular meetings of the general court, or, on a petition of the freemen, a special meeting. In that case, the constitution provided that the freemen were to instruct the constables to order elections of deputies, who were to constitute a general court themselves, excluding the governor and magistrates. This power never was exercised, but it is an extraordinary feature in constitutional law. It was the Connecticut mode of ensuring recognition of the direct representatives of the towns." Johnston, *Connecticut*, 78 *et seq.* This became illegal under the charter of 1662 Constables were annually elected by the towns.

certificate that they are persons of good behavior, and free from all engagements, and at liberty to remove themselves where they may best advantage themselves." [1]

In 1690 a still more stringent law was passed. It was designed to prevent negro servants or slaves from running away, but was made to apply to "vagrant or suspected persons found wandering from town to town, having no passes." The law ordered all ferrymen to stop such, under a penalty of 20*s.*, and allowed any person meeting them to stop them and take them before the next justice.[2] The laws of 1702 provided that the ticket or pass must be under the hand of some assistant or justice of the peace or, for servants, under the hand of the master or owner. When taken before the authority, they were to be examined and disposed of according to law.[3]

These laws provided for a quasi-settlement after a three months' residence, and for the deportation of unsettled persons, who had not received permission to seek work away from their homes.

In the revision of 1702 these various laws were brought together under the title, "Inhabitants whom to be admitted," then used for the first time. It enacted that—

(1) No one should be received as an inhabitant in any town except "such as are known to be of an honest conversation, and accepted by the major part of the town."

(2) No transient persons, except apprentices under age and servants bought for time, might reside in a town without the approbation of the authority and selectmen, though no penalty was prescribed.

(3) For the use of the poor of the town where he belonged, a fine of 20*s.* a week was to be paid by any person

[1] *Col. Rec.*, iii, 111 *et seq.* [2] *Ibid.*, iv, 40. [3] 1702, 85.

letting a house to or entertaining such people, unless security was given to save the town from expense.

(4) Suspected persons and vagrants were to be sent from constable to constable to the place whence they came, and it was added that if they returned and, after warning, still remained in town, they should "be severely whipped, not exceeding ten stripes."

(5) No single person might be entertained save by permission of the selectmen, under penalty of 20*s.* a week.[1]

(6) All boarders and sojourners in a family were to "carefully attend the worship of God in those families where they reside, and be subject to the domestic government of the same, upon penalty of forfeiting *five shillings* for every breach of this act." [2]

This last was a substitute for the act of 1676.[3] The omission of a penalty in paragraph 2 was corrected in 1707, and that of paragraph 3 was imposed on one who remained in a town after a warning by order of the selectmen. Any assistant or justice of the peace was authorized to hear and determine such a case. Transients who had no estate to satisfy the fine were to "be whipped on the naked body, not exceeding ten stripes," unless they should "depart the town within ten days next after sentence given, and reside no more in said town without leave of the selectmen." [4]

The laws of 1702 [5] retained the enactment of 1673 for the care of unsettled persons who fell sick after a residence of three months.

The effect of the incorporation of new towns upon the settlement of paupers and other inhabitants did not become important during this period. Several new towns were incorporated or recognized, but except in one case no men-

[1] 1702, 58 *et seq.* [2] *Ibid.*, 59. [3] *Col. Rec.*, ii, 281.
[4] *Ibid.*, v, 21 *et seq*; *Acts and Laws*, 132. [5] P. 95, par. 2.

tion was made of the poor. The act of 1702 granting to East Village of New Haven the powers of a town, required it to "maintain their own poor, as all towns are obliged by law to do." [1]

3. SUPPORT OF RELATIVES

Not only did the towns wish to escape the expense of supporting those who belonged elsewhere, but there was a growing desire, when possible, to force individuals to care for their poor relatives. There was an allusion to this duty in the New Haven law of 1656, already discussed, which forbade any person who had resided in a plantation for one year to "be sent back, or returned (unless to some particular person standing, and continuing in relation to receive, and provide as the case may require)." [2]

For many years it was not considered necessary by Connecticut to pass any law enforcing this natural obligation. The only early vote bearing upon it was in 1651. The selectmen of Hartford had complained that one John Lord had "withdrawn himself from his wife, and left her destitute of a bed to lodge on, and very bare in apparel, to the endangering of her health." The general court, therefore, gave authority to the selectmen "to require of the said John Lord the wearing apparel of his wife, and also a bed for her to lodge on, and also to search after the same in any place within this jurisdiction, and to restore it unto her." [3] In other cases the colony allowed each town to enforce the duty of support upon its own inhabitants.

The need of general legislation first arose in connection with the care of the feeble-minded and insane. The law on this subject, which was copied *verbatim* from a Massa-

[1] *Col. Rec.*, v, 24.
[2] *N. H. Col. Rec.*, ii, 611.
[3] *Col. Rec.*, i, 224.

chusetts statute of 1693,[1] required towns to support these sufferers in case "no relations appear that will undertake the care of providing for them, or that stand in so near a degree, as that by law they may be compelled thereto."[2] This clause was meaningless, for until 1715 there was no provision to define or to enforce this obligation.[3]

4. IDLENESS

While Connecticut was slow in enforcing the obligation to support relatives, it early attempted to prevent one fruitful cause of poverty, idleness. The code of 1650 contained a law under the title "Idleness":

> that no person, householder or other, shall spend his time idly or unprofitably, under pain of such punishment as the court shall think meet to inflict; and for this end . . . the constable of every place shall use special care and diligence to take knowledge of offenders in this kind . . . and present the same unto any magistrate, who shall have power to hear and determine the case or transfer it to the [next] court.[4]

[1] *Cf. post*, p. 47.

[2] *Col. Rec.*, iv, 285; 1702, 54.

[3] Massachusetts had provided for this in *Province Laws*, 1692–93, c. 28, § 9. The obligation of a town to support one who had obtained a settlement by a three months' residence, was limited by the proviso, "Unless the relations of such poor impotent person in the line or degree of father or grandfather, mother or grandmother, children or grandchildren be of sufficient ability; then such relations respectively shall relieve such poor person in such manner as the justices of the peace in that county where such sufficient persons dwell shall assess, on pain that every one failing therein shall forfeit twenty shillings for every month's neglect, to be levied by distress and sale of such offender's goods." *Acts and Res., Prov. Mass. Bay*, i, 67. Connecticut enacted the Massachusetts law with only slight changes.

[4] *Col. Rec.*, i, 528.

In 1673 this duty was placed also upon the grand jury,[1] and the trial was to be before the next magistrate,[2] or (1702) a justice of the peace.[3] In the original act three classes of persons were specifically mentioned as deserving attention, "common coasters, unprofitable fowlers, and tobacco takers," but in 1673 these phrases were stricken out.

The laws of 1673 and 1702[4] also gave selectmen power to put out to service or otherwise dispose of any single persons, inmates within towns, who lived an "idle and riotous" life. These might appeal to the next county court.[5]

5. INTEMPERANCE

Somewhat similar in its purpose was a law enacted in May, 1676. This required selectmen and constables "to take special care and notice of all . . . persons frequenting public houses" where liquor was sold, "and spending their precious time there, and thereupon to require him or them to forbear frequenting such places." If after this they were found in such places, they were to forfeit, on conviction, 5*s.* or to sit in the stocks one hour for each offense. Selectmen and constables were also to "give notice to the keepers of such houses of entertainment that they suffer no such noted person in any of their houses, upon penalty

[1] The grand jurors were the local prosecuting officers, chosen by the towns to discover and bring before the magistrate offenders against the laws.

[2] 1673, 31. [3] 1702, 53. [4] 1673, 66, par. 2; 1702, 112, par. 2.

[5] See note 2, p. 29. Judge Sherman W. Adams, in *Memorial Hist. Hart. Co.*, i, 110, declares that from 1666 to 1698 the county courts were composed of one assistant and 3 or 4 commissioners. These were appointed as magistrates in towns where there was no assistant. They later developed into justices of the peace. Under a law of January, 1697(98) (*Col. Rec.*, iv, 235 *et seq.*), the county courts were composed of one judge and three justices of the peace.

of twenty shillings for every such defect." [1] Fines were to be paid to the county treasury. This act was not retained in the revision of 1702, and for over one hundred years the only laws against intemperance as a cause of poverty were those imposing penalties for drunkenness.

6. SUPPORT OF SLAVES

Closely connected with the obligation to support one's family is the duty to care for one's household, including servants and slaves. Attention was turned to this early in the eighteenth century. The preamble of a law passed in May, 1702, read:

. . . . it is observed that some persons in this colony having purchased negro or malatta servants or slaves, after having spent the principal part of their time and strength in their masters' service, do set them at liberty, and the said slaves not being able to provide necessaries for themselves may become a charge and burthen to the towns where they have served.

To remedy this evil, it was enacted that if any owner

shall set such servant or slave at liberty to provide for him or herself, if afterward such servant or slave shall come to want, every such servant shall be relieved at the only cost and charge of the person in whose service he or she was last retained or taken, and by whom set at liberty, or at the only cost of his or her heirs, executors, or administrators, any law, usage or custom to the contrary notwithstanding.[2]

This relieved the towns from the support of emancipated slaves, but, as was discovered, the masters were not disposed to obey the new law. Hence, in 1711 a further act was passed which applied not only to released slaves, but

[1] *Col. Rec.*, ii, 282.

[2] *Ibid.*, iv, 375 *et seq.*

also to "all negro, malatto, or Spanish Indians, . . . servants . . . for time" who come to want after the expiration of their term of service. The important provision was that in case those responsible refused to care for them, they should be relieved by the selectmen of the towns to which they belonged, who might "recover of the said owners or masters, their heirs, executors, or administrators, all the charge and cost they were at for such relief, in the usual manner as in the case of any other debts." [1] With such authority, the selectmen were to blame if these servants and slaves were allowed to suffer.

7. BASTARDY

It was not many years after the settlement of Connecticut that the birth of bastards compelled attention. Laws against fornication were enacted. The earliest penalty was one or more of the following: "enjoyning to marriage, or fine, or corporal punishment." [2] In 1702 the punishment was made either a fine of £5 or ten stripes, inflicted on each party.[3]

The support of bastards received careful consideration. At first each case was decided on its merits. Thus, in 1645 the general court ordered the mother and reputed father of such a child to be whipped, but placed the entire support of the child upon the father.[4]

The need of a general law was seen, and in the revision of 1673 it was included. Its special purpose was to define the requirements for the conviction of the father.

For the child's support, the law provided that

where any man is legally convicted to be the father of a

[1] *Col. Rec.*, v, 233; *Acts and Laws*, 164.
[2] 1650, *Col. Rec.*, i, 527. [3] 1702, 7. [4] *Col. Rec.*, i, 129.

bastard child, he shall be at the care and charge to bring up the same, by such assistance of the mother as nature requireth, and as the court from time to time (according to circumstances) shall see meet to order.

This principle of joint support has ever since been followed.

To convict, it was enacted that if on the trial the court was not satisfied as to the identity of the father by confession or "manifest proof", "then the man charged by the woman to be the father, she holding constant in it (especially being put upon the real discovery of the truth of it in the time of her travail)," should "be the reputed father, and accordingly be liable to the charge of maintenance as aforesaid . . . notwithstanding his denial"; unless the circumstances of the case and pleas in his behalf led the court to acquit him, and "otherwise dispose of the child and education thereof; provided always in case there be no person accused in the time of her travail, it shall not be available to abate the conviction of a reputed father." [1]

This method of adjudging a man the reputed father and obliging him to assist the mother in supporting the child became the regular method, and was retained until 1902. It should be noted that this law did not make the accusation during travail essential to conviction.

Several changes were made by the laws of 1702. The interests of the defendant were guarded by requiring the examination of the mother at the trial to be upon oath and by making the accusation in time of travail necessary to conviction. The provision of the law of 1673 for a conviction by confession or "manifest proof" was stricken out, perhaps because it was found impossible ever to secure such.

On the other hand, the person convicted was required

[1] 1673, 6.

to give security to perform the order of the court "and to save the town or place where such child is born, free from charge, for its maintenance." He might be committed to prison until he found sureties.

The last important change was that exclusive jurisdiction was given to the county courts. All that an assistant or justice of the peace might do was to bind over to the county court one charged or suspected of having begotten a bastard. The county court might order the continuance or renewal of the bond in case the child was still unborn when the case was called.[1]

The nature of the obligation may be seen from a judgment rendered some years later under this law. In 1723 the county court in New Haven ordered a reputed father to pay for the support of his child 2*s*. a week until the child became one year old. The general court, on an appeal, adjudged that such a sentence was strictly in conformity with the law, although the defendant had been acquitted by a jury on the charge of fornication.[2]

One other law regarding bastardy deserves brief notice. The general court in 1699, in view of a recent occurrence in Farmington, enacted, in practically identical form, a Massachusetts law of 1696 to punish the concealment of the death of a bastard. For concealing the death of a child who, if born alive, would have been a bastard, the mother was to suffer death as in the case of murder, unless she could prove by the testimony of at least one witness that the child was born dead.[3]

III. Methods of Relief

1. Duty of Towns

Having considered the principles underlying the system

[1] 1702, 7. [2] *Col. Rec.*, vi, 416. [3] *Ibid.*, iv, 285; 1702, 13.

of poor relief and the measures to prevent persons from becoming public charges, we pass to the methods of relief.

It has already been stated that the duty of giving relief was entrusted to the towns, with power to determine the methods to be employed. It was as late as 1673 that the first poor law was passed, and this simply ordered, ". . . every town . . . shall maintain their own poor." [1]

2. METHODS PRESCRIBED BY GOV. ANDROS

The next step was taken by Governor Andros and his council in March, 1687. They made the selectmen overseers of the poor and authorized them, with the consent of any two justices of the peace, one being of the quorum,[2] to levy a tax rate for the support of the poor and have the same collected by the constable, like other taxes. It was to be paid to the selectmen, who were "to distribute the same for the maintenance of the poor within their respective towns; and for setting their poor on work." Accounts were to be rendered to the towns yearly at the election of town officers. The selectmen were to meet once each month, "to consider of those things and to take effectual order and care therein for relief of the poor as aforesaid." [3] This law provided both for the relief of the poor and for setting the able-bodied to work, thus making them partially self-supporting. This principle might well have been retained, but with the overthrow of Andros the law lapsed in 1689.

[1] 1673, 57.

[2] A justice of the peace who was of the quorum was a justice of a somewhat greater authority, whose presence was essential to make certain specified acts legal.

[3] *Col. Rec.*, iii, 428.

3. METHODS PRESCRIBED IN 1702

The revision of 1702 contained a chapter Title "Poor," under which several of the former provisions were included, with additions. After stating the general obligation of the towns, it prescribed the method of administration:

> The selectmen or overseers of the poor (where any such are chosen) shall at times keep the town stock; who shall have full power to disburse and expend what they shall judge meet from time to time for the relief and supply of any of the poor belonging to their town, so far as *five pounds* will extend; and if more be needful, the said selectmen or overseers, or the major part of them, shall with the advice of the assistants, or justices of the peace of that town (if there be any in the town) disburse what shall be by them judged needful for the relief of the poor aforesaid, . . . for the supplying their poor, or any of them with victuals, clothing, firewood, or any other thing necessary for their support or subsistence.

In case there were no assistants or justices, full power was given to the selectmen. They might be required at any time, by order of the town, upon ten days' warning, to give under oath, before an assistant or justice, an account of the expenditures from the town stock and what remained on hand, and to return the balance. The penalty for neglect or refusal was commitment to jail, at their own cost and charge, until they gave the account or made the return.[1]

This law was evidently designed to prevent extravagance and dishonesty in poor relief, and to give the towns authority to secure an economical and honest administration. It might justly be inferred that even at this early day the danger inseparable from the grant of material relief to persons in their own homes was becoming apparent. Yet,

[1] 1702, 94.

it will be noticed, this is the only form of relief specified. It has been seen already, however, that poor and idle persons might be placed out to service.

This law reënacted the provision of 1673, already cited, providing relief in case of sickness for all those who had dwelt in a town for three months without having been warned to depart.[1]

4. METHODS PRESCRIBED BY LAW TITLE "SICKNESS"

In 1711 an important law was passed, entitled, "An Act providing in case of Sickness." The purpose was to prevent the spread of contagious disease, but it contained two significant provisions, one for the reimbursement of towns by one another and the other for the care of unsettled persons by the colony. The law read:

> . . . in case it happen, any person or persons to be visited with sickness in any other town or place than that whereunto they belong, and thereby occasion a charge to such town, the selectmen shall lay the account thereof before the county court of that county where such town lies, to which such person or persons belong, and the said county court having adjusted the account of such charge, and allowed so much thereof as they shall judge reasonable, shall order payment thereof to be made by the treasurer of such town, or in want of such treasurer, by the selectmen of the same, when the said court shall judge that the persons themselves, their parents, or masters, are not able to make such payment.[2]

As it would have defeated the purpose of the act if such persons had been removed to the towns where they belonged, this method of reimbursement upon the judgment of the county court was devised. It was many years be-

[1] 1702, 95, par. 2. If security had been given for their support in the manner already described, p. 31, the town would be saved from expense.

[2] *Col. Rec.*, v, 231 *et seq.*; *A. and L.*, 160.

fore it was seen to be equally applicable to other cases of need.

In regard to unsettled persons, the law read:

And when it shall happen such indigent persons not to be inhabitants, or belonging to any town or place within this colony, and the proper charge thereof, in case they need relief, then the charge of their sickness shall be defrayed out of the public treasury of the colony, by warrant from the governor, with the advice and consent of the council.[1]

This, too, was a simple method of securing support at the joint expense of the towns, through the colony. It was destined to play a far less important rôle in Connecticut than the preceding; largely, perhaps, because the Connecticut towns have always wished to keep matters as far as possible in their own hands.

[1] *A. and L.*, 160. "Council" is used in two senses in Connecticut laws of the colonial period. In the enacting clause it refers to the upper house of the general assembly or court, composed of the assistants and presided over by the governor or deputy governor. A law of October, 1698, (*Col. Rec.*, iv, 267) provided that the assistants and deputies should meet separately. Before that they had met as one body. In this case, however, "council" signifies the body designated by the general court to assist the governor during the intervals between sessions. Each general assembly for years prescribed the composition of a council with power "in the intervals of the general assembly to manage the affairs of the colony according to charter, they not to raise men to send out of the colony (except in case of exigency) nor to dispose of money." (*Col. Rec.*, iv, 379). This was a customary formula. The composition of the council varied from time to time according to the wish of the general assembly. Thus the May session, 1702, ordered it to consist of the governor, or deputy, and 4 assistants (*Ibid.*), while the assembly in the following October directed that there be 7 members, the governor, 2 assistants and 4 freemen, chosen by the governor or deputy (*Ibid.*, 399). These freemen might be assistants. The council might possibly be identical in *personnel* with the court of assistants, but ordinarily was not, and its composition, as seen in the fragmentary records still extant, shows that the governor did not always follow the directions of the general court.

5. EXEMPTION FROM TAXES

Two other methods of relief were quite common during the whole colonial period. One of these was to grant exemptions from taxes. The general court did this for those in need, whether because of illness, loss by fire, or an accident which disabled them.[1] From 1650[2] until the close of the period,[3] those disabled by sickness, lameness, or other infirmity were exempted from the poll tax.[4]

6. REGULATION OF BRIEFS

The second method was really private relief, regulated by the colony. This was through collections taken in the churches in response to appeals or "briefs," as they were called, read by the ministers. In 1681 it was ordered that no brief be read, in any plantation in the colony, without the "allowance" of the governor and council, "except it be for some special occasion for some distressed or afflicted person of their own inhabitants."[5] In 1702 this law was extended, and the governor and council were given power to direct in what towns and congregations each brief should be read. A fine of £5 was imposed for reading or publishing an unauthorized brief, one-third payable to the informer who should prosecute the same to effect, and the residue to the county treasury.[6]

7. LEVY OF TAXES

To supply arms and ammunition for defense a tax was annually laid in each town. As the poor were unable to

[1] *E. g.*, *Col. Rec.*, iii, 15, 44, 215. [2] *Ibid.*, i, 549. [3] 1702, 99.

[4] The person of each male over 16 was listed in the tax list at £18, with the exception of magistrates, ministers, *etc.* The tax of servants and children not receiving wages was paid by the master or parents; otherwise out of their wages. *Ibid.*

[5] *Col. Rec.*, iii. 92. [6] 1702, 11.

pay taxes, it was provided that the selectmen should, at the charge of the town, provide the paupers' proportion. The towns sometimes failed to grant this appropriation even when the selectmen had presented the request. A law of 1708 empowered selectmen, under such circumstances, to assess the inhabitants, and required constables to collect these rates and pay them to the selectmen.[1] Later this power included levying taxes for the general expenses of the town, including the care of the poor.

IV. Special Legislation

The degree of development in a system of poor relief may be measured roughly by the degree of differentiation in the class of dependents. This is indicated by the amount and character of the special legislation. With the exception of the laws relating to minors, the important legislation before 1712 concerned those in abnormal mental condition. Before discussing these laws, however, a word should be said regarding laws for the protection of Indians.

1. Protection of Indians

From the first, the colony was required to regulate the intercourse of the Indians and the colonists for the protection of both parties. The only laws that concern us are those to protect the natives from being impoverished by unscrupulous settlers.

In 1675 it was enacted that no action of debt might be brought against an Indian except for the rent of land hired by him.[2] In 1680 a law was passed declaring inalienable all land set apart for the use of Indians. Any purchaser of such lands forfeited to the colony treasury treble the value of the land, and the bargain was declared null and void.[3]

[1] *Col. Rec.*, v, 73. [2] *Ibid.*, ii, 252. [3] *Ibid.*, iii, 56 *et seq.*

In the revision of 1702 the first of these laws was retained, while the law regarding Indian lands was slightly changed. It forbade buying, hiring, or receiving by gift or mortgage Indian lands, except for colony or town purposes or by permission of the general assembly. The penalty remained the forfeiture of treble the value of the land, and the law declared that no interest or estate accrued by virtue of such bargain, purchase, or receipt.[1] This revision also imposed a fine of 20*s.* for every pint of liquor furnished an Indian, without permission from an assistant or justice of the peace, except that one or two drams might be given as an act of charity to relieve an Indian in a sudden faintness or sickness.[2]

2. CARE OF INSANE

No laws were passed to care for the insane before 1699. In the New Haven records there is mention probably of one case of insanity. Goodwife Lampson, referred to in another connection,[3] had for some time been cared for in the home of the marshal, with "little amendment." In 1648 the marshal asked to be relieved from the burden, and the court ordered her husband "to take her home or else get another place where she might be kept and looked to."[4] I have found no other allusion to insanity before 1699 and the method used here calls for no special mention.

In 1699 the general court passed a law entitled, "An Act for the relieving of Idiots and Distracted Persons." This was copied from a Massachusetts act of November, 1693. No distinction was made between the insane and the feeble-minded or idiotic. It provided that whenever a person should be "wanting of understanding, so as to

[1] 1702, 57. [2] *Ibid.*, 55. [3] P. 23. [4] *N. H. Col. Rec.*, i, 414.

be uncapable to provide for him or herself," or should become insane,

and no relations appear that will undertake the care of providing for them, or that stand in so near a degree, as that by law they may be compelled thereto; in every such case the selectmen or overseer of the poor of the town or peculiar [1] where such person was born or is by law an inhabitant, be and hereby are empowered and enjoined to take effectual care and make necessary provision for the relief, support and safety of such impotent, or distracted person at the charge of the town or place where he or she of right belongs; if the party hath no estate of his or her own the incomes whereof shall be sufficient to defray the same. And the justices of the peace within the same county at their county courts [2] may order and dispose the estate of such impotent or distracted persons to the best improvement and advantage towards his or her support, as also the person to any proper work or service he or she may be capable to be employed in, at the discretion of the selectmen or overseers of the poor.

In case the estate of such persons consisted of real property, application was to be made to the general court, which might authorize the selectmen or overseers, or some other party designated by the court, to sell the property,

the product thereof upon sale to be secured, improved, and employed, to and for the use, relief and safety of such impotent or distracted person (as the court shall direct) as long as such person shall live, or until he or she shall be restored

[1] A peculiar was a district not yet erected into a town. It had certain powers of local government, but was not sufficiently separated from the town of which it had been a part to send deputies to the general court. It was a Massachusetts term.

[2] This was the Massachusetts law. The county courts in Connecticut, it will be recalled, consisted of a judge besides the justices of the peace.

to be of sound mind, and the overplus (if any be) to and for the use of the next and right heirs of such party.

Like power was granted the court with reference to persons already mentally unsound, both for defraying charges previously incurred and for providing for the future.[1]

It will be seen that the act provided no way of forcing relatives to furnish support. Undoubtedly this lack was due to the fact already noted, that the law was copied from a Massachusetts statute and other laws in that colony covered the point.

The really significant portion of the law was that making a person's estate liable for his support and providing a means for disposing of real estate when necessary. The scope of this provision was much broadened within a few years, as will be seen in the study of the next period.

The duty of support was placed upon the officials of the town where the person was born or was by law an inhabitant. The obligation of the place of birth was a departure from precedents but did not have any far-reaching effect. Under the strict laws of settlement, this would usually be the town of settlement. No special provision was made for the payment of the expenses of persons without settlement, as the law expressly declared that the care should be at the expense of the towns where the parties belonged.

The law made no direct reference to those living away from their place of birth or of settlement. Such would be warned, removed, or cared for under the provisions of the general statutes with reference to inhabitants and the support of the poor. It is improbable that any idiot or insane person would be allowed to remain in a town where he did not belong.[2]

[1] *Col. Rec.*, iv, 285 *et seq.*; 1702, 54, with a few verbal changes.
[2] *Cf. ante*, p. 33.

This was long before the period of asylums, and no specification was made as to the method of care. It was left to the discretion of the selectmen or overseers, except that if the person could be put out to service, such action was to have the approval of the county court.

3. PENSION LAWS

From near the beginning there was in Connecticut one special class of beneficiaries, old soldiers. The nearest approach to a general pension law was occasioned by King Philip's War, to which the colony had sent troops. In May, 1676, the court ordered that all soldiers "wounded in the country service" should "have cure and diet on the country account, and half pay" till they were cured.[1] A year later the court granted them the other half of their pay from the time of their wound until June 1, 1676, or to the time of their cure before that date. This was to be paid from the rates of the following year.[2]

Other pension legislation was in the form of what may be called private pension bills, granting land[3] or exemption from taxes,[4] paying the expense of medical attendance, or even giving a lump sum.[5] Similar laws were also passed in behalf of the relatives of soldiers, either to pay the expense incurred in caring for the wounded, or because of the loss of means of support.[6]

4. PROTECTION OF MINORS

The last topic is that of the care of minors. The points to be noted are the circumstances under which minors were removed from parents or legal guardians, and the disposition made of them.

[1] *Col. Rec.*, ii, 285. [2] *Ibid.*, 307. [3] *Ibid.*, 147, 149, 150.
[4] *Ibid.*, iv, 79. [5] *Ibid.*, iii, 18, 37; iv, 275. [6] *Ibid.*, iii, 13.

It may not be out of place to mention in passing the curiously severe punishments in the early days for stubborn children. Apparently they were passed because the Mosaic laws, upon which the colonial laws were based, especially in New Haven, contained similar provisions.

The first law for the Connecticut colony was passed in 1642. The penalty for children or servants convicted of "any stubborn or rebellious carriage against their parents or governors" was simply a sentence to hard labor and severe punishment in the house of correction for such term as the court should order.[1] In the code of 1650, however, the penalty of death was provided for a rebellious son of 16 years of age who would "not obey their voice or chastisement," but lived in "sundry notorious crimes." Deut. xxi. 20, 21 was given as reference.[2]

In 1673 the New Haven laws of 1656[3] were enacted for Connecticut. These provided the death penalty for any child above 16 and of sufficient understanding who smote or cursed his natural father or mother, unless their education had been "very un-Christianly" neglected, or the child had been forced to do it in self-defense by extreme or cruel correction. It was also made the duty of parents to bring before the court sons of sufficient understanding and years, *viz.*, 16 years of age, who were disobedient, and testify that they were stubborn and rebellious, unwilling to "obey their voice and chastisement," but lived in "sundry notorious crimes." They were then to be put to death.[4] Biblical references were given. There is no evidence, so far as I have discovered, that these laws were ever enforced, but they remained upon the statute books.[5]

[1] *Col. Rec.*, i, 78. [2] *Ibid.*, 515. [3] *N. H. Col. Rec.*, ii, 578.
[4] 1673, 9 *et seq.* [5] 1702, 13.

Back of these laws, so cruelly incomprehensible, was not only a supposed Scriptural warrant, but also the conviction that a democracy ought to secure proper training for children. The first law for this purpose was included in the code of 1650. The reason for its enactment, as given in the preamble, was: ". . . the good education of children is of singular behoof and benefit to any commonwealth,[1] and . . . many parents and masters are too indulgent and negligent of their duty in that kind."

By this law selectmen were directed to "have a vigilant eye over their brethren and neighbors, to see" that each secure by himself or others a sufficient education for his children and apprentices to "enable them perfectly to read the English tongue, and knowledge of the capital laws, upon a penalty of twenty shillings for each neglect"; to see also that each master of a family catechize the children and servants at least once a week, "in the grounds and principles of religion; and if any be unable to do so much," to have their children learn by heart "some short orthodox catechism," that they might be able to answer the questions propounded to them by their parents and masters or by the selectmen. Another duty was to see that parents and masters brought up their children and apprentices in some "lawful labor or employment."

In case selectmen found, after due admonition, that parents or masters neglected these duties, "whereby children or servants" became "rude, stubborn and unruly," they were ordered, with the help of two magistrates, to take the children or apprentices from the parents or masters and bind them out to others, boys until 21 and girls until 18, who would "more strictly look unto, and force them to

[1] In the revision of 1673, after the granting of the charter, "commonwealth" was changed to "colony."

submit unto government, according to the rules of this order." [1]

A similar statute was contained among the New Haven laws of 1656. Its religious purpose was even more pronounced. The standard set was that minors should be "able duly to read the Scriptures, and other good and profitable printed books in the English tongue, . . . and in some competent measure, to understand the main grounds and principles of Christian religion necessary to salvation. And to give due answer to such plain and ordinary questions" as might be propounded concerning the same. The penalty was a warning, followed three months later by a fine of 10*s.*, if meantime the parents and masters had not taken steps to educate their wards. After a second three months the fine was to be doubled. If the neglect still continued, a greater fine might be imposed, and security taken "for due conformity to the scope and intent" of the law; or the children and apprentices might be taken and apprenticed to masters who should "better educate and govern them, both for public conveniency, and for the particular good of the said children or apprentices." [2] This law was more conservative than the other, both in the amount of the fine and in the fact that the family was not broken up except as a last resort, after the parent or master had been fined at least twice. After New Haven united with the Connecticut colony, the latter's statute of 1650 became the law for both.

Though it was included in the revision of 1673 [3] without more than verbal changes, it was not enforced, and there was a growing neglect of proper religious training of children. To remedy this, additional laws were passed

[1] *Col. Rec.*, i, 520 *et seq.*; *cf.* 1702, 15 *et seq.*

[2] *N. H. Col. Rec.*, ii, 583 *et seq.* [3] P. 13 *et seq.*

in 1676, 1684, and 1690. The first recommended that the ministers instruct families, in which family worship and instruction of children were neglected, in their duty, and required selectmen "to inquire after such families and assist the ministry for the reformation and education of the children in good literature and the knowledge of the Scripture, according to good laws already provided." The county courts were given power to fine, punish, or bind over refractory heads of families, "according to the demerits of the case." [1]

The law of 1684 imposed a fine of 10*s.*, one-half to the complainer, upon any town officer who neglected his duty in this matter, and the constables were directed at once to publish again the act of 1676.[2]

Even this was not sufficient to prevent illiteracy, and in 1690 the grand jurors in each town were required to visit at least once a year all the families suspected of neglecting the education of their children, and if they found any children or servants "not taught as their years" were "capable of," to report the names to the parents or masters to the next county court, that a fine of 20*s.* might be imposed. Exception was made of children or servants who were without capacity to learn, or whose parents or masters were incapable of securing such instruction.[3]

The revision of 1702 [4] embodied without essential change the laws of 1650 and 1690. The selectmen were relieved from catechizing children, ministers taking this duty. The acts of 1676 and 1684 apparently dropped out.[5]

[1] *Col. Rec.*, ii, 281.
[2] *Ibid.*, iii, 148.
[3] *Ibid.*, iv, 30.
[4] P. 15 *et seq.*

[5] In the code of 1650 and in the revision of 1673 this law was printed as one paragraph, with a single enacting clause. Hence the binding out, if parents and masters remained "negligent of their duties in the particulars aforementioned," applied to children whose education was

Meantime another law regarding minors had been passed. It was included in the poor law of 1673, and read:

If any that have relief from any town, do not employ their children as they ought, towards the getting of a lively hold, or if there be any family that cannot or do not provide competently for their children, whereby they are exposed to want and extremity, it shall be the power of the selectmen of each town with advice of the next magistrate, to place out such children, into good families where they can be better brought up and provided for.[1]

In 1702 such action was made mandatory upon town officers. The requirement as to the children of paupers was made to read: "That if any poor person or persons, that have had or shall have relief or supplies from any town, shall suffer their children to live idly or misspend their time in loitering, and neglect to bring them up or employ them in some honest calling, which may be profitable unto themselves, and the public," the children should be cared for as in the former law. The length of service was also specified, "a man child until he shall come to the age of twenty-one years; and a woman child to the age of eighteen years, or time of marriage," and it was added that such binding should be as effectual as if the child had been of full age and by indenture of covenant had bound himself.[2]

neglected. In 1702 the law was divided into paragraphs with separate enacting clauses. The first imposed a fine for neglecting to educate children, while the second treated of failure to train children for self-support. In this latter it was provided that for continued neglect in these "particulars aforementioned" the children might be bound out. This would appear to limit such action to the neglect specified in paragraph 2, leaving a fine the only penalty for not securing proper education.

[1] 1673, 57. [2] 1702, 95.

Thus the sole method of caring for children who were not in proper suroundings was to apprentice them to masters during their minority or, in the case of girls, until their marriage within that time.

It is necessary to go to the laws governing apprenticeship to learn the safeguards against ill treatment of children thus placed out by the towns. Three provisions only need be mentioned, one in the interests of the master and two of the apprentice.

The first provided that any apprentice who left the service of the master should serve in addition to the regular term three times the length of his absence. This punishment was imposed in 1644 [1] and confirmed in 1650.[2] In 1673 [3] its operation was limited to those fifteen years old and upwards.[4] Runaways might be brought back by the proper officers at public charge.[5]

On the other hand, an apprentice might at any time flee from the cruelty or tyranny of a master to the house of an inhabitant of the town. The latter was direced to protect and sustain the apprentice until "due order" could be taken for his relief. In such a case notice was to be given speedily, both to the master and to the next magistrate or constable, where the person was harbored.[6] No apprentice who had been bound for the learning of a trade might be put off to another for more than a year, either in the lifetime of the master or after his death, without

[1] *Col. Rec.*, i, 105. [2] *Ibid.*, 539. [3] 1673, 47, par. 5.

[4] As the age for children's choosing guardians was fourteen (*Ibid.*, 3), this limitation was evidently intended to confine the punishment to those who would be able to understand the penalty of absconding.

[5] *Ibid.*, 47, par. 6.

[6] *Ibid.*, 48, par. 7. These last two paragraphs mention only servants, but as the preamble declares that the law applies to apprentices also, these provisions have been included.

the consent of the justices assembled in court or of two assistants.[1]

This method of caring for children was that which had been used in England for many years. Not until much later was there any substantial change. If properly regulated, it was far superior to institutional care. It secured for children home care, now deemed so essential. It also fitted boys for self-support by teaching them a trade, while girls were trained to be housekeepers. The danger was that the master or mistress might prove cruel or neglect the ward. This holds equally of any system of placing out.

Mention should be made of the fact that in the early days laws were passed regulating prices and wages. These did not play in Connecticut any such part as similar laws played in England. They were not retained long and apparently had little effect save as regulating the value of goods and labor for taxation. Hence, it has not seemed necessary to consider these laws in detail.

V. Summary

In conclusion, the progress of the poor law system during the early colonial period may be briefly summarized.

The system of town relief was firmly established, with a slight beginning of reimbursement by towns and colony.

No inhabitant might be admitted except by vote of the town, though by a residence of three months without warning to depart a person compelled a town to care for him in case of illness. Methods were prescribed to prevent the entrance of undesirable persons and to remove them from towns. The court of assistants was given power to provide for unsettled persons.

Provision was made for the care of the insane and

[1] *Ibid.* par. 2. These three laws were retained in 1702, 75.

idiotic, and in this connection the first step was taken towards placing upon the relatives and estate of beneficiaries the cost of support. Methods were devised to prevent idleness as a source of poverty, to require owners to support slaves after emancipation, and to compel the parents of bastards to support them.

Laws were passed to prevent dishonesty or extravagance in the administration of poor relief, but no limit was placed upon the methods used to assist paupers.

Children who were not properly cared for in their homes or by their masters were to be removed and placed with masters who would give them the needed support and training.

The chief defects in the poor law were due to incompleteness or were inevitable at this early period. The laws of settlement made difficult a change of residence, and may thus, in some instances, have been a cause of pauperism. Had the population been larger, the lack of adequate provisions for caring for the poor except in their homes or in service would have become serious. The laws for the care of the insane were imperfect and, in fact, remained so for many generations. Yet, for a colony with a small population, supporting itself on farms, and desirous of keeping out those who would increase the disturbing elements already in the colony, the poor law system of 1712 was very creditable. The most serious lack was of adequate methods for dealing with vagrants and tramps, who had already appeared.

CHAPTER II

LATE COLONIAL PERIOD, 1713-1784.

I. Chief Characteristic

The second half of the colonial period, 1713-1784, was characterized by the establishment of a system of houses of correction, or workhouses. During the earlier years there was no sharp differentiation between the mere vagrant, or "sturdy beggar," to use the English term, and the true pauper. Governor Leete, in his reply to the questions of the Privy Council in 1680, had stated the general policy of the colony:

> Beggars and vagabond persons are not suffered, but when discovered bound out to service; yet sometimes a vagabond person will pass up and down the country, and abuse the people with false news, and cheat and steal; but when they are discovered they are punished, according to the offense.[1]

1. EARLY LAWS AGAINST VAGRANCY

We noted in the last chapter the law of 1682 for sending vagrants back from constable to constable to the place from which they came, and that of 1690, which permitted any citizen to take before the next justice of the peace a vagrant with no license from an assistant or justice. Additional sanctions had been added in 1702. These provisions evidently referred to vagrants rather than paupers,

[1] *Col. Rec.*, iii, 300.

and yet it was not until 1713 that the laws differentiated sharply between the two.

From 1689 to 1713 there was war during all but five years. At this time also began the inflation of the currency by the issue of paper money, though the demoralization of values came later. Whether all this resulted in such an increase in vagrancy as to call for more stringent laws cannot be positively affirmed, but it seems likely that it accounted in part for the new legislation.

The first of the new laws was passed at the May session of 1713. The preamble stated that

> several persons, wanderers and others, have by their vile and profane discourse and actions proved a snare to youth especially, and tends to the great detriment of religion, and is of pernicious consequence: For the prevention of which, and for the better regulation of such disorderly persons, and punishing of such rudeness and misbehavior

the law was enacted. It was tentative, and merely provided that the county jails should be houses of correction [1] for wanderers convicted before an assistant or justice. The keeper was to keep those sent on *mittimus* at such labor as they were capable of, until the next county court.[2] The court might then order the offender "to be chastened by whipping on his or her naked back, in such jail, and to be kept to such labor as such offender is capable of." [3]

[1] Thus anticipating the present system. As early as April, 1640, the erection of a house of correction had been ordered because "many stubborn and refractory persons" were "often taken within these liberties." *Col. Rec.*, i, 47. But this was apparently really a jail.

[2] During the later colonial period the county courts were composed of a judge and at least two justices of the quorum. Three members might hold court. Each court held two sessions a year in its county. 1750, 31 *et seq.*; 1784, 30 *et seq.*

[3] *Col. Rec.*, v, 383; *A. and L.*, 187.

Apparently the term of possible confinement was unlimited, but only fifteen stripes might be given for one offence.

Whether or not our supposition as to the cause of the increase of vagrancy is true, of the fact there can be no doubt, for five years later another law was passed. This frankly stated that "idle persons, vagabonds and sturdy beggars, have been of late, and still are, much increasing within this government, and likely more to increase if timely remedy be not provided." They were described as "any idle person, vagabond or sturdy beggar, . . . found wandering up and down in any parish in this colony, begging, idling away his or their time, or that practice unlawful games, set up and practice common plays, interludes, or other crafty science," and were to be adjudged rogues by any assistant or justice, and to "be stripped naked from the middle upward, and . . . openly whipped on his or their naked body, not exceeding the number of fifteen stripes." The magistrate was also to give them "a testimonial of their punishment, and order them forthwith to depart the town or parish." Thereafter they might receive the same penalty if they remained in any town more than twenty-four hours after being warned to depart by one of the selectmen.[1] Just how a rogue was to be compelled to keep his valuable "testimonial," which made him a suspected character, subject to especially speedy punishment, is not quite clear, though the purpose of the law-makers is evident.

2. COLONY WORKHOUSE

These makeshift measures soon proved ineffective and in 1727 the first genuine workhouse act was passed. In a sense it also was tentative, as it provided for but one workhouse, but it was a definite step in the right direction.

[1] *Col. Rec.*, vi, 82 *et seq.*; *A. and L.*, 239 *et seq.*

The law recited the fact that there were

many growing difficulties and inconveniences on this colony, by means of many straggling and vagabond fellows that are strolling to and fro in this colony, begging, and committing many insolences; and the increase of idle and dissolute persons among ourselves.[1]

It had been discovered that mere whipping, even with a "testimonial" added, was not a "timely remedy," and that they must provide "suitable means and place to restrain and employ" the vagrants. The law was so comprehensive and important as to call for somewhat full analysis.

If the town of Hartford within six months set aside a suitable lot of land, the house of correction was to be erected there. If not, New Haven was to have the opportunity; and if it also failed to act, the institution was to go to New London. Apart from the lot, the expense was to be borne by the colony, and the county court where it was located was to have full power to draw plans and secure its erection.[2]

The county court was also to appoint "an honest, fit person to be master," and to make necessary rules and orders for ruling, governing, and punishing the inmates. The master was to set the inmates to work, if they were able. He might also, in the interest of discipline or to secure faithful work, fetter or shackle the inmates, punish by moderate whipping, not exceeding ten stripes at once, or "abridge" their food.[3]

Commitments might be made by the county courts, by any two justices of the peace, one of them of the quorum, or by an assistant and a justice. Those who might be committed were

[1] *Col. Rec.*, vii, 127; *A. and L.*, 343.
[2] *Ibid.*, par. 1 *et seq.*
[3] *Ibid.*, par. 3–5.

all rogues, vagabonds and idle persons going about in town or country begging, or persons using any subtil craft, juggling, or unlawful games or plays, or feigning themselves to have knowledge in physiognomy, palmistry, or pretending they can tell destinies, fortunes, or discover where lost or stolen goods may be found, common pipers, fidlers, runaways, stubborn servants or children, common drunkards, common night-walkers, pilferers, wanton and lascivious persons either in speech or behavior, common railers or brawlers such as neglect their callings, misspend what they earn, and do not provide for themselves or the support of their families . . . ; as also persons under distraction and unfit to go at large, whose friends do not take care for their safe confinement.[1]

It will be seen that this law included at least four distinct classes: idlers and tramps, including fakirs, petty offenders, stubborn children, and the insane. The only persons excluded were criminals and the poor. Upon their entrance each person, unless the warrant otherwise directed, was to receive not more than ten stripes.[2]

It was expected that the inmates would support themselves. Each was to be allowed two-thirds of his earnings to pay for his support and "the charge expended in the bringing in and furnishing with materials." These were to be furnished, in the first instance, by the town to which the person belonged or at its expense, by the colony, for those belonging in no town, or, for stubborn children or servants, at the charge of their parents or masters, if able. The county court might direct all the earnings of masters or heads of families, or any proportion of them, to be used to support their families. All who were sick or unable to work were to be relieved by the master. He was to be reimbursed by the parties responsible for materials, except that for adult servants masters were not liable.[3]

[1] *A. and L.*, 343, par. 3. [2] *Ibid.*, par. 4. [3] *Ibid.*, par. 6.

The master was required to keep exact account of the earnings of the inmates and report the same, under oath, if required, to the county court, which, for any neglect of duty, might subject him, at their discretion, to fine or punishment. His compensation was fixed by the court. It was expected that the one-third of the earnings which did not go to the credit of the inmates would pay the salary and expenses of the master. Any deficit was to be paid from the county treasury and repaid from subsequent surplus earnings. The master was to be reimbursed by colony, town, parent, or master, under the direction of the court, for the support of the sick and feeble, and of the others also if their earnings did not suffice.[1]

For some reason the county court did not act promptly, and at the May session, 1729, the committee on workhouse recommended the appointment of a committee to erect at public expense a workhouse, 50 feet long, 32 feet wide, and 14 feet "between joints."[2] They must have acted promptly, for a strange law passed at the October session of the following year, 1730, showed that the house of correction was then finished. This law added still another class to the conglomerate in the workhouse. The sheriffs were ordered to transfer life prisoners from county jails to the workhouse, and the master was not to give them on reception the usual ten stripes.[3]

The expectation of making the workhouse nearly, if not quite, self-supporting was evidently not realized. In 1734, on the recommendation of a committee, the assembly[4] appropriated £40 from the treasury of the colony and £20 from that of Hartford County. Part was to be used for

[1] *A. and L.*, 343, par. 7. This seems to be the meaning of an obscure paragraph.

[2] *Col. Rec.*, vii, 240 *et seq.* [3] *Ibid.*, 302; *A. and L.*, c. 67, p. 378 *et seq.*

[4] The new title for the general court.

securing a suitable master and the remainder for procuring bedding and materials for setting the inmates to work. The committee also recommended that the master be allowed to keep one-third of the earnings without accounting for them. The purpose was "to encourage him to keep" the inmates "well applied to such labor as may be most to their and the public advantage." [1] In other words, it was to be to the master's interest to prevent idleness. On the other hand, he was not to exact more than 8*s*. a week for board, except in sickness.[2]

The conditions still failed to improve and in 1737 the assembly took more drastic action, by appointing two overseers. After taking oath before the county court, they were to provide materials, tools, and bedding as needed, and make a yard for the prisoners to work in and to prevent their escape, at an expense not exceeding £500; see that the master did his duty, that the prisoners were kept at work, and the stores and earnings were not embezzled; directly, or through the master, dispose of the surplus earnings and stores to pay the master's salary or procure new supplies; call the master to account on oath every three months, and if found unfaithful, complain to the county court, which might "amerce" or displace him.

The assembly also reënacted the provision that when the earnings of any prisoner failed to pay his expenses, the deficit should be paid by his parents, master, or the town where he belonged; but it inserted before "his parents" the words "by such prisoner." In the old law the estate

[1] *Col. Rec.*, vii, 530 *et seq.*

[2] *Ibid.* This high maximum was because the colony was then in the midst of the period of inflation. Silver, which had been worth 8*s*. an ounce in 1708, had risen to 18*s*. in 1732, two years before the date under consideration, and was rising so rapidly that it reached 32*s*. ten years later, in 1744. Johnston, *Conn.*, 255.

of a prisoner was not responsible for his support, but became so by this addition.

No idle or disorderly person might be discharged without permission from the overseers. If the master allowed any prisoner wilfully or negligently to escape, he was to recover the fugitive at his own expense or forfeit not more than £10, and the fugitive when returned was to receive ten stripes and suffer the same penalty each Monday morning for four weeks.

It was the evident hope of the assembly that the problem of the workhouse would shortly be solved, for it limited the operation of this law to the four years ending with the close of the October session of 1741.[1]

3. COUNTY WORKHOUSES

The revision of 1750 changed the law of 1727 and directed each county to provide, under the direction of the county court, a house of correction. Pending the completion of these, the county jails were to be used as workhouses and the jail-keepers were to hold those committed under the workhouse act in the manner prescribed therein.[2]

Little attention was paid to this law and in May, 1753, the county courts were directed to take immediate steps to erect the houses of correction, or to put in repair any already provided, in either case reporting to the general assembly. Each court was empowered to assess and tax the county, appoint collectors, a master, and two overseers. These last were to provide necessary materials, render their account to the county court, and receive compensation as allowed by the court. The law permitted any two counties to unite in erecting a single house.[3]

[1] *Col. Rec.*, viii, 137 *et seq.*

[2] 1750, 204 *et seq.*

[3] *Col. Rec.*, x, 159 *et seq.*; *A. and L.*, 267.

This was more than the colony would stand. The protest against allowing the courts to go ahead in so high-handed a fashion must have been vigorous, for at the October session of the same year, 1753, an additional act was passed. No court might act until a majority of the assistants and justices of the county had assembled, determined that a house should be erected, and decided upon the location. The court was empowered to call such a meeting of the assistants and justices. This law also forbade sentencing to the workhouse for theft any person unless he was 21 years old and, in the opinion of the court, belonged to a class specified in the workhouse act.[1]

No further action was taken until 1769. A law was then passed directing each county court at its next session to appoint one or two overseers [2] from the county town to procure materials for the workhouse, at a cost of £15. The county courts were authorized to draw on the colony treasurer for the amount. The overseers were given general supervision over the workhouses. The law also empowered any assistant and justice or any two justices to send to the workhouse, to be kept at hard labor until released by order of law, "all rogues, vagabonds, sturdy beggars, and other lewd, idle, dissolute, profane and disorderly persons," that had no settlement in the colony.[3]

These various laws were brought together in the revision of 1784 with only a few minor changes. The sentence to the workhouse might be made by one assistant or justice, the prohibition regarding thieves was limited to first convictions, the power of overseers to regulate discipline was

[1] *Col. Rec.*, x, 206; *A. and L., 272 et seq.*

[2] These overseers were similar to those of the act of 1753; the two provisions were united in 1784.

[3] *Col. Rec.*, xiii, 237; *A. and L.*, 347.

more clearly defined, and the punishment of a returned fugitive was made not more than thirty stripes for one offense.[1]

This differentiation between the beggar and the indigent person was by far the most important act from 1713 to 1784. The laws proved sufficiently satisfactory to render unnecessary radical changes in the treatment of paupers.

II. Preventive Measures

We pass now to the consideration of the changes made in the laws to prevent pauperism. Of these the first are the laws of settlement.

1. Laws of Settlement

It will be recalled that the law of 1707 had imposed a fine of 20*s.* a week for residing in a town without permission from the town authorities, after due warning. If the person could not pay the fine, he received corporal punishment, unless he left within ten days. No limits were placed upon the time within which such action might be taken. To prevent injustice, a supplementary statute was passed in 1719. This forbade any action to be taken against a person who had resided in a town for one year without warning, or for a like period after a warning without prosecution and sentence.[2] This was practically a settlement derived from commorancy.

The law of 1702 had also imposed a fine for entertaining or letting a house to a stranger without giving bond to save the town from expense. The law of 1719, in connection with that of 1702, was interpreted to forbid any warning or prosecution during the term of the bond or lease, or after their expiration if they continued more than a year.

[1] 1784, 206 *et seq.* [2] *Col. Rec.*, vi, 146. *A. and L.*, 249 *et seq.*

The first remedy for this was a provision of 1722 that the year should not commence until the expiration of the lease or bond.[1] This proving unsatisfactory, it was repealed in 1726, and authority was given to the justices and selectmen to reject bonds unless permission to remain had previously been granted the stranger. As they were the body which granted permission, this restricted a stranger's liberty to secure a residence. A fine of £20 was also imposed for selling real estate to a stranger, under cover of which he became an inhabitant of a town. One-half was to be used for the poor and the remainder paid to the prosecutor.[2]

Trouble still arose because persons were entertained or hired in the outskirts of towns and in other obscure places. To prevent expense to towns for such, an act of 1732 made any one entertaining a stranger for forty-eight hours without giving notice chargeable with all subsequent expense in his behalf. If the notice was given but no action taken, the host was relieved from responsibility.[3]

A few changes were made by the revision of 1750.[4] This act of 1732 was amended by making the time for giving notice four days and by limiting the liability of the host to expenses incurred for a cause dating from the stranger's stay with him.[5] The fines for entertaining strangers, for remaining in a town without permission, and for selling land to strangers were reduced one-half,[6] were made payable to the town, and were not necessarily to be used for the poor. The old laws respecting the entertainment and conduct of single persons in families were repealed. The most important change permitted the civil authority and

[1] *Col. Rec.*, vi, 356; *A. and L.*, 282.

[2] *Col. Rec.*, vii, 21 *et seq.*; *A. and L.* 322.

[3] *Col. Rec.*, vii, 369; *A. and L.*, c. 87, p. 395. [4] Pp. 99–101. [5] *Ibid.*, par. 8.

[6] Were made, 10*s.* a week, 10*s.* a week, and £10, respectively. *Ibid.*, par. 3, 4, 9.

selectmen, as well as the towns, to admit inhabitants possessing the necessary moral qualifications.[1]

An act of 1765 made the fine of 10*s.* a week for illegally entertaining or hiring strangers, or letting a house or land to them, payable to the treasurer of the town in which the offense was committed.[2] The former law had made the town to which the offender belonged the beneficiary. If he was living in the town of settlement, the two would be identical, and this law must have been passed to secure to the town reimbursement for expenses incurred by the act of those dwelling there but belonging elsewhere. The more liberal laws regarding residence had made such offenses possible and thus defeated the intent of the law.

A real step in advance was taken twenty years later, in 1770. For the first time a distinction was made between transients or inhabitants of other colonies and inhabitants of Connecticut. Other means were also provided for gaining settlements and for determining the responsibility for Connecticut paupers.

Four methods were specified by which a transient person or an inhabitant of another colony might gain a settlement:

(1) By vote of the inhabitants of the town.

(2) By consent of the civil authority and selectmen.

(3) By being appointed to and executing some public office.

(4) By possessing in his own right in fee a real estate of £100, in the town, during his continuance there.

Until the settlement was acquired, he might at any time be removed to the place of his last legal settlement, if the selectmen thought him likely to become a public charge, even though no warning had been given within a year of his arrival.[3] Apart from one of these four ways,

[1] 1702, 99, par. 1. [2] *Col. Rec.*, xii, 414; *A. and L.*, 324.
[3] *Col. Rec.*, xiii, 362; *A. and L.*, 354.

mere residence conferred no settlement. As respects the fourth method, it would seem that the mere purchase of property of the specified value conferred settlement.

The second paragraph of the law provided for inhabitants of Connecticut. These might, in order to better their condition, remove with their families to another town and remain without liability to removal, provided, before leaving home, they procured a written certificate, under the hands of the civil authority and selectmen, stating that they were legal inhabitants there. This had to be lodged with the clerk of the new town. If subsequently they or any members of their families came to want, they were to be supported by the town of residence at the charge of the town which had granted the certificate; or they might be returned to that town, if a new settlement had not been gained since the date of the certificate.[1]

The law did not affect the power of a town to remove vagrants or persons of disorderly character. It might care for the persons and estates of certificated residents who were idle or who mismanaged their property, as if they were still in the town of settlement.[2]

The effect of these laws was to make an inhabitant of Connecticut going to another town liable to removal, unless he had a certificate, or had remained in the new town for one year before being warned, or after a warning without prosecution. The law regarding the year's residence was limited to uncertificated inhabitants of Connecticut. This was brought out clearly in the revision of 1784,[3] which simply consolidated the acts of 1750 and 1770.

It may be mentioned in passing that the laws granting a quasi-settlement after a residence of three months, in

[1] *A. and L.*, 354, par. 2.
[2] Pp. 102–104.
[3] *Ibid.*, par. 3; *Cf. post*, p. 77 *et seq.*

case of illness, and allowing the arrest by any citizen of a vagrant wandering without a pass, were retained in the laws of 1750[1] and 1784.[2]

Two other laws included in the revision of 1784 may be noted here. One[3] permitted the removal from Connecticut of a foreigner who was likely to become chargeable, or was immoral or vicious. He might be sent, at the expense of the state, to his last settlement or to a place within the jurisdiction of his nation, unless the expense of the removal exceeded its advantages. This law was repealed in 1789.[4] The other[5] forbade any person not a citizen or inhabitant of the United States to purchase or hold lands without a special license from the general assembly. It was retained on the statute books until 1848.

It may be well to summarize the laws of settlement at the close of the colonial period.

Transients and inhabitants of other states became settled in a Connecticut town by vote of the inhabitants or local officials, by holding public office, or by owning a specified amount of property.

No person might be received unless he was of moral character and was accepted by the inhabitants or local officials; and no person might reside in a town under pretense of being a servant or tenant, without permission from the local authorities. The inconsistency between these provisions was not removed until 1789.

A fine of 10*s.* a week was imposed for receiving as guest, servant, or tenant any transient person unless a bond had been accepted by the local authorities to save the town from expense. There was a like fine for dwelling in a town after being warned to depart. If the fine could not

[1] 1750, 191, 229. [2] 1784, 193, 233. [3] 1784, 82.
[4] *A. and L.*, 386. [5] 1784, 83.

be paid, the person had to depart within ten days or receive corporal punishment.

The entertainment of a stranger for four days made the host responsible for certain expenses incurred in his behalf, unless prompt notice had been given. £10 was forfeited for illegally selling land to a stranger "under color" of which he took up his abode in the town.

Vagrants and suspects might be sent from constable to constable to the place from which they came, unless they presented certificates permitting them to travel. Corporal punishment was the penalty for subsequent offenses. Like treatment was prescribed for strangers who did not obey a warning to depart.

Inhabitants of Connecticut towns were permitted to remove to other towns on the certificate plan, without liability to removal unless they came to actual want. Those residing in other towns without certificates were not subject to removal after the lapse of one year, if they had not been warned to depart or been prosecuted after a warning.

The significant changes during the period were the legalization of new means of obtaining settlement; the adoption of the certificate plan, with the possibility of supporting a pauper in one town at the expense of the town of settlement; and the limitation on the power of removal, by which virtually a settlement by commorancy might be secured by a residence of 12 months.

During this period the effect upon settlements of the division of towns began to attract attention. In at least four cases no mention was made of the subject. Whether this was because there were no poor, because an understanding had already been reached, because the towns were willing to follow the rule of the common law, or simply because of oversight, cannot be stated. East Windsor was

set off from Windsor in 1768. The towns had agreed upon a division of property and poor, and the assembly confirmed it without specifying the details.[1]

When Southington was set off from Farmington, in 1779, the act declared

> that the town of Southington shall be subjected to maintain and support their own poor, including in that number such as for convenience of support have been removed from said Southington and are now residing in said Farmington.[2]

This was the simplest statement possible, merely requiring each town to support those who belonged to it.

The acts of 1780 incorporating Cheshire and Waterbury named those to be supported by each. Cheshire was also to support its proportion of the certificated absentees from Wallingford (from which it was set off), who returned and became poor, according to the tax lists of 1779.[3]

When Woodbridge, in 1784, was formed from portions of New Haven and Milford, it took as many of the poor of New Haven as were assigned by a committee of three named in the act. The paupers of Milford were divided according to the tax lists.[4]

These two criteria, residence and financial ability, became the principal bases for future divisions of paupers.

2. SUPPORT OF RELATIVES

In the last chapter it was seen that while the law of 1699 regarding the support of the insane made the obligation of the town contingent on there being no relatives of sufficient ability upon whom the duty might be placed, yet it

[1] *Col. Rec.*, xiii, 40. [2] *State Rec.*, ii, 430.
[3] *MSS. State Rec.*, ii, May, 1780, 53, 57.
[4] *Ibid.*, iii, Jan., 1784, 37.

provided no method of securing this help. The lack was supplied in 1715 by a law which was copied almost *verbatim* from the Massachusetts law already cited. Persons standing in the line or degree of parents, grandparents, children, and grandchildren were, if able, to relieve insane persons in such manner as the county court where they dwelt assessed. A penalty of 20*s.* a week for neglect was to be levied by distress and sale of the offender's property.[1]

This law applied solely to cases of insanity. In 1739 it was extended to embrace all cases of need, whatever the cause. The fine was increased to 30*s.* a week.[2] The increase was doubtless because all values had risen through the inflation of the currency. Both laws assigned the proceeds of the fine to the support of the needy person.

Apparently a fair interpretation of the original law of 1715 placed the duty of enforcing this obligation upon the county court where the needy person, and not the relatives, lived. This is what was just stated. It was not so understood, however, for in 1745 the law was expressly changed to secure this. The preamble stated that difficulty had arisen because the relatives often lived in different counties. Hence the court of the county where the needy person dwelt was given jurisdiction over the relatives wherever they belonged.[3]

By the revision of 1750 it was enacted that the county courts might take this action upon application of the selectmen of the town or of one or more of the "relations." The provision for fines was stricken out and the courts were empowered to issue execution quarterly for the amount assessed, if any relative neglected either to contribute or to give security to fulfil the judgment of the court.[4]

[1] *Col. Rec.*, v, 503; *A. and L.*, 204.
[2] *Ibid.*, ix, 132 *et seq.*
[3] *Col. Rec.*, viii, 253 *et seq.*
[4] 1750, 90, par. 3.

With these changes, the law remained in force until the close of the period.[1]

3. CONSERVATORS

Further steps were taken to make a person's estate support him. It will be recalled that the insanity law of 1699 empowered the county courts to use a person's estate for his support, and when feasible to put him out to service. The general court might also, if necessary, order the sale of his real estate.

The revision of 1750 did not stop with making the duty of relatives towards the insane apply to all in need. It also directed that the estate of any who by "age, sickeness, or otherwise" had become "impotent and unable to support or provide for themselves" be used for their support, and they themselves might be put out to work or service, according to the provisions of the earlier law. One significant addition was made. The court need not itself care for the estate, but might "appoint, and empower some meet person a conservator to take care of and oversee such . . . persons, and their estates for their support." They were to "be accountable to said court for their management of said trust, when thereunto ordered by said court."[2] These conservators, now first appointed, were destined to play an important role.

One important change made in 1783[3] was embodied in the revision of 1784.[4] Whenever the county court found upon adjusting the accounts of the conservator that there was not sufficient personal property to satisfy all debts, the court itself, without applying to the general assembly, might

[1] 1784, 98, par. 1–3.
[2] 1750, 91, par. 1.
[3] *MSS. State Rec.*, iii, May, 1783, 10.
[4] 1784, 98, par. 5.

order the sale of enough real estate to pay the same, in such manner as would in its judgment most benefit the estate.

No other change was made before the close of the period.[1]

4. OVERSEERS

New measures were taken to prevent any charge arising from idleness or mismanagement of property. The first steps in this direction had been taken before 1712. Single persons who were idle might be disposed of in service, and it was the duty of constables and grand-jurors to bring one who spent his time unprofitably before a magistrate for suitable punishment. This law was supplemented in 1719 by an act which led finally to the system of overseers. This has had a growth parallel to that of conservators.

The selectmen were directed to "diligently inspect into the affairs of all poor or idle persons, whether householders or others." If they found "any person or persons . . . already reduced to want, or . . . likely to be reduced by idleness and bad husbandry unto want," they might, with the advice of the next authority,

> take care of all such persons and their families, in disposing them to service or otherwise, . . . and . . . take into their improvement all the estate, lands and credits of such persons, and take effectual care that the same be disposed of and improved for the best good of such person or persons . . . either by themselves or others.

They might recover property or credits withheld by others. Any aggrieved party was allowed an appeal to the next county court, which might afford such relief as it thought "convenient." The selectmen were forbidden to sell land without the permission of the general assembly. No person

[1] 1784, 98, par. 4 *et seq.*

under the care of selectmen might alienate his lands or credits until "by his industry and good application unto his business" he had obtained a statement signed by the authority and selectmen that the estate was "for the said reasons put again into the improvement of such owner or owners." A bargain, sale, or contract made contrary to this act was void.[1]

As experience proved that this law was too indefinite and did not sufficiently guard the interests of the idle owner, a further law was passed in 1743. The selectmen had first to make application to the next assistant or justice for a warrant to bring before him the person named. If the latter absconded, the warrant was to be served by leaving a true and attested copy at his usual or last place of abode. After this, the selectmen might, upon the advice of the magistrate, take possession of him, his family, and his property as under the former law. They had, however, at once to place a certificate of their action, signed by magistrate and selectmen, upon the sign-post or some other public place in the town, and lodge a copy in the office of the town clerk. Within 10 days after taking possession of such an estate, they were required to make a complete inventory of the property, with a detailed valuation as appraised by "two indifferent persons, freeholders, under oath, being thereunto appointed by said assistant or justice," and to file the same with the town clerk. One who was under selectmen was as incapable of making "any act or deed binding upon his person or estate as minors under guardians."[2]

These laws were embodied in the revision of 1750, with one addition. Before taking this action, the selectmen might, if they thought best, "appoint an overseer to ad-

[1] *Col. Rec.*, vi, 112 *et seq.*; *A. and L.*, 243.

[2] *Col. Rec.*, viii, 570 *et seq.*

vise, direct, and order such persons in the management of his business, for such time or times as they" thought proper. The certificate of such action was to be posted and filed as provided in 1743. No such person could make any valid or binding bargain or contract without the consent of the overseer.[1] If this action proved insufficient, the selectmen might apply to the magistrate and proceed under the former law.[2] It will be noticed that an overseer might be appointed without the advice of a magistrate, though it would appear that an aggrieved party might appeal to the county court as under the law of 1719.[3] The interests of the parties were further guarded by providing that the person and estate should be taken under the selectmen only if "no sufficient reason be offered to the contrary,"[4] and by directing the selectmen to pay out of the estate all just debts.[5] The appraisers were required not only to make their statement under oath, but also to be sworn when appointed.[6]

No material changes were made by the revision of 1784.[7]

5. SUPPORT OF WIDOWS

As it is right that a person's property should support him whenever possible, it is equally fair that his estate be liable for the support of his widow. This was the reason for a statute of 1769. If a man left children, they were already liable for the support of their mother, but this law provided for the widow of a man, dying without issue, who found the dower or provision made for her support insufficient. If she came to want, any person to whom a portion of the estate was given or descended was liable for contributions, not exceeding the amount received. The county court was to divide the total contribution among

[1] 1750, 91, par. 4. [2] *Ibid.*, par. 5. [3] *Cf. ibid.*, 92, par. 7.
[4] *Ibid.*, par. 1. [5] *Ibid.*, par. 6.
Ibid., par. 4. [7] 1784, 99 *et seq.*

the legatees in the same manner as if they were relatives, each contributing in proportion to his share of the estate.[1]

6. SUPPORT OF SLAVES

The former obligation of a master to support his emancipated slaves, if they came to want, was modified in 1777. One who wished to liberate a slave might apply to the selectmen, who were required to investigate the case. If they decided that it was to the best interests of the slave that he be freed, that it was probable that he would be self-supporting, and that he was of "good and peaceable life and conversation," they were empowered to give to the master a certificate stating their decision, and granting him liberty to free the slave. A master acting under such a certificate was freed from all obligation, no claim upon him or his estate being valid.[2]

It may be interesting to note in passing that three years before, in 1774, the importation of slaves was prohibited. The preamble explained the action by declaring "the increase of slaves in this colony . . . injurious to the poor and inconvenient."[3] About this time, too, steps were taken for the gradual extinction of slavery. In the revision of 1784 it was enacted that no negro or mulatto child born after March 1, 1784, should be "held in servitude" beyond the age of twenty-five.[4]

7. BASTARDY

The last topic under the head of preventive measures is that of bastardy. The penalty for fornication was changed to a fine of 33*s.*,[5] or not more than 10 stripes inflicted on each party.[6] In the laws relating to bastards, no vital

[1] *Col. Rec.*, xiii, 124; *A. and L.*, 339; 1784, 99, par. 2.

[2] *State Rec.*, i, 415; *A. and L.*, 479; 1784, 234, par. 5, 6.

[3] *Col. Rec.*, xiv, 329; *A. and L.*, 403; 1784, 234, par. 3, 4.

[4] 1784, 235. [5] 1750, 78. [6] 1784, 87.

change was made until the revision of 1784. A new section was then added. If sufficient security was not offered to save from expense the town responsible for the support of the bastard, selectmen might, in case the woman omitted to bring suit, bring forward such suit in behalf of the town interested against the man accused of begetting the child. They might also take up a suit begun by the mother if she failed to prosecute it to final judgment.[1]

III. Methods of Relief

1. Relief by towns and colony

Having discussed the most significant feature of the later colonial period, the establishment of workhouses, and noted the changes in preventive measures, we pass to a brief consideration of methods of poor relief. The system before 1712 was one of relief by towns, the colony acting only in case of sickness. No change was made in the present period in the poor law proper, and yet very great changes in administration came in. These were brought about through the operation of laws designed primarily for the relief of the insane and the sick.

As already noted, in 1739 the provisions for the care of the insane were made to apply to all in need for any cause. The requirements regarding support by relatives, by a person's estate, or by his own labors, have already been considered, and the bearing of the law upon cases of insanity will be treated later. The point to be noted here is that through this law relief by the colony became legal for those

[1] 1784, 15, par. 3. The former provisions for apprehending and examining the putative father and compelling him, under pain of imprisonment, to help the mother support the child and to save the town from expense, and for punishing the concealing of the death of bastards, were retained in 1784, pp. 15, 162.

without settlements. It was shown in the last chapter that the lack in the insanity law at that time was of provision for those without settlements. This became more serious when the scope of the statute was broadened in 1739. The revision of 1750 corrected this. Like the old law, it required the town of birth or settlement to care for one without relatives or estate at the expense of the town of settlement. This clause was then added: "Or if they belong to no town, or place in this colony, then at the cost, and charge of the colony." [1] The law was not well phrased, but the intention evidently was that the town of residence should care for such at colony expense. Otherwise, who would care for the unsettled persons for whom the colony assumed responsibility?

This addition looked as if Connecticut would adopt the plan of having each town care for its own poor, while for unsettled persons this duty would be performed by the towns jointly, that is, by the colony and its successor, the state. As events proved, this was done only in a limited way, but this law of 1750 was the first legalization of relief by the colony on a large scale. It remained in force until the close of the colonial period.[2]

If there was indefiniteness in this law, there was none in that for the relief of the sick. Originally designed to prevent the spread of contagion, in 1750 its scope was extended to cover all cases of sickness, "whether of an infectious nature or not." [3] This law, it will be recalled, required the town of residence to care for any sick person at the charge of the town of settlement or, if he had no settlement, of the colony. In 1732 a clause had been added "at the charge of the parties themselves, their parents, or masters (if able)." Towns were given authority to re-

[1] 1750, 91, par. 3. [2] 1784, 99, par. 1. [3] 1750, 226, par. 2.

cover from the executors or heirs of those who died before satisfying the charge.[1] In 1750[2] there were added to the parties responsible "other relations, which by law are obliged to support them in case of need." In this form the law remained in force throughout the remainder of the period.[3]

This obligation was further modified by that paragraph of the poor law proper, which obliged a town to support a sick stranger who had resided there for three months without being warned.[4] In 1750 the three months' law had been limited to cases for which no inhabitant in the town was liable,[5] and the certification of the warning was to be made to the superior court of the county,[6] which might issue orders for the support of those who had been warned.[7]

This was hardly consistent with the general law for colony aid to unsettled persons, but the inconsistency was not removed until the next period.[8]

The need of a definite obligation upon the town of residence to care for persons should have been evident to the revisers of 1750, for there had recently been a flagrant

[1] *Col. Rec.*, vii, 371 *et seq.*; *A. and L.*, c. 84, p. 391. [2] 1750, 226, par. 2.

[3] 1784, 228, par. 2–4. [4] *Ibid.*, 193, par. 6.

[5] This refers to those who entertained a stranger or let a house to him and were, by the act of 1702, required to give bonds to save the town from all expense, and also to the relatives of paupers.

[6] By an act of May, 1711 (*A. and L.*, 167 *et seq.*), the court of assistants was superseded by the superior court of judicature. It was composed of one chief judge and four other judges, appointed and commissioned by the assembly. Three constituted a quorum. Two sessions a year were held in each county. 1784, 29 *et seq.*

[7] 1750, 191, par. 1.

[8] The general duties of the selectmen remained as they were in 1712. They cared for the town poor at an expense limited by law, and were held accountable for their expenditures. 1784, 193, par. 1–4.

case of neglect. In 1735 one Abigail Wills was settled either in Windsor or in Hartford. She had in Windsor an estate in lieu of dower. In order to rid themselves of her the town of Windsor attempted to remove her. The case was carried to the general assembly and decided in her favor.[1] When, soon after, her right of dower had been disposed of, Windsor must have removed her, for in May, 1736, she presented a petition to the general assembly, in which she stated that she was in distressing circumstances and in danger of perishing, because both Hartford and Windsor refused to afford her any relief. Thereupon the assembly ordered her to be returned to Windsor and delivered to one of the selectmen or overseers of the poor, who were commanded to receive her and care for her as their own poor until discharged by law therefrom. The town was empowered to take out a writ of *scire facias* against Hartford, to ascertain where the responsibility lay.[2] Had the law required a town to provide for all cases of need within its borders, a case like this would have been less likely to occur.

While there was no general system of colony relief before 1750, there were at least three instances of it between 1713 and that date. In 1726 a citizen of West Haven was reimbursed for charges incurred for a transient person who was taken sick and died in his home.[3] In 1731 the workhouse was used for the care of a blind man, who had no settlement in Connecticut and who was wandering from place to place. The expense of his support, in addition to his earnings in the workhouse, was to be paid from the colony treasury.[4] Two years later the town of Danbury was reimbursed for relieving a poor woman and her child.[5]

The colony also occasionally paid for the transportation

[1] *Col. Rec.*, vii, 568. [2] *Ibid.*, viii, 43. [3] *Ibid.*, vii, 84.
[4] *Ibid.*, 340. [5] *Ibid.*, 476.

of colony paupers to their homes in England. Appropriations for two such cases were made in October, 1770. The result in one shows that human nature was not very different then from what it is now. The man who was to procure the passage for the "decrepit old seaman" reported at the May session following that a passage was procured but that "Simonds was not to be found when the ship sailed." Another passage was secured at his request for January, but "he absconded just as the ship was about to sail and signified by a letter that he declined to go in cold weather." [1]

To what extent did the towns avail themselves of the law of 1750? The facts should be found in the journals of the governor and council, by whom the accounts were approved.[2] For the most part these are not extant, but we have more or less complete minutes of the sessions from October, 1770, to October, 1773. During this period there were paid by order of the governor and council: [3]

To Selectmen	99 accounts	£892.	11.	4¼
" Individuals	30 "	166.	9.	0
Totals	129 "	£1059.	0.	4¼

[1] *Col. Rec.*, xiii, 405, 425.

[2] Strictly speaking, they approved only accounts for state paupers who were sick; there was no requirement that they or any one else audit accounts arising under the law Title, Idiots, *etc.*, which was the more comprehensive statute. It is probable, however, that they did.

[3] *Ibid.*, xiii, 411, 412, 504–8, 567 *et seq.*, 657 *et seq.*; xiv, 69, 70, 156–8, 212, 213. In many cases these accounts were for the care of more than one, the exact number not being always specified. No idea is given as to the time covered by the accounts. The earlier accounts were classified into those for transients and for colony poor, but no distinction was made in the later ones. One or two charges for transporting strangers to the place of settlement are included. Some of the items, even for single beneficiaries, are large; one, for example, being for £20.7. 6½. Many, if not most, of the charges were for the care of the sick rather than for mere support, and this may account for the large totals.

To these should be added accounts for the care of Indians:

To Selectmen	6 accounts	£29.	2.	8
" Individuals	4 "	20.	16.	2
	10 "	£49.	18.	10
Grand total . . .	139 "	£1108.	19.	2¾

At this time the salary of the governor was £300 and of the deputy-governor £100 a year. Thus, the annual cost of the colony poor for these three years nearly equalled the salaries of these officials.

Further light may be thrown upon the matter of expense by the support of those under conservators. The conservator of Samuel Cooper and wife of New Haven reported in 1757 that the cost for the year ending April 8, 1757, was £27. 3. 8¼.[1] For an insane woman from February 1757, to July, 1759, the expense was £30. 11. 7.[2] The average cost of supporting one Lydia Bishop for three years ending April 3, 1770, just before the three years for which we have the statistics, was £10. 18. 0. a year.[3]

2. EXEMPTION FROM TAXES

The method of relief through exemption from taxes was continued through this period. This included the exemption of those disabled by sickness, lameness, or other infirmities from the poll tax. By the revisions of 1750 and 1784 each poll was listed at £18.[4] The revision of 1784 also empowered a majority of the selectmen, with the ad-

[1] *Col. Rec.*, xi, 37. [2] *Ibid.*, 413.

[3] *Ibid.*, xiii, 50, 230, 346. The cost of supporting prisoners in jails was by the act of 1756 limited to 2*s.* 6*d.* a week, except in case of illness. This would naturally be lower than in the case of paupers, who apparently were most often aided in homes, there being no general provision as yet for almshouses. *Col. Rec.*, x, 549.

[4] 1750, 137, 138; 1784, 130, 132.

vice of an assistant or justice of the peace, to abate the rates of those in their towns who were "poor and unable to pay the same."[1] Though I have found no earlier reference to this power, it was apparently the legalization of a customary method of the colonial period, as will be brought out in the next chapter.[2] It may, however, have been only an extension of the authority usually given to town officials in connection with the levying of special taxes during the Revolutionary War. Ordinarily, they were allowed to abate the taxes of indigent persons to an amount not to exceed one-twentieth part of the town's tax, and to lodge a list of such abatements with the town clerk.[3]

Besides these there were many abatements for particular towns or individuals. The cause was usually the destruction of property by British troops. The coast towns were the greatest sufferers. Thus, for the attack on Norwalk in July, 1779, the taxes on the lists of 1778 were abated on property assessed at over £16,600.[4] In 1780 taxes were to be collected from only seven individuals in Norwalk.[5] Certain new towns were also exempted from state taxes. In two cases the reason given was that the people were too poor to have a minister.[6]

Earlier there had been at least one case of direct grant by the colony to towns. This occurred in 1726. Through a failure of crops there was very great need in five towns in the northeastern and eastern parts of the state. £30 was appropriated to be distributed by a committee on the recommendations of designated persons in each town.[7] The taxes of individuals were abated from time to time or grants were made to them from confiscated estates.[8]

[1] 1784, 200. [2] *Cf.* 1 *Conn. Rep.*, 459. [3] *State Rec.*, ii, 178, *etc.*
[4] *MSS. State Rec.*, ii, May, 1780, 36; Nov., 1780, 30 *et seq.*
[5] *Ibid.*, May, 1782, 40. [6] *Ibid.*, Oct., 1780, 29 *et seq.*
[7] *Col. Rec.*, vii, 36. [8] *MSS. State Rec.*, ii, Oct., 1783, 32, 34.

3. LEVY OF TAXES

In our study of the previous period, we saw that if a town failed to appropriate the money needed to purchase arms and ammunition for the poor, the selectmen might levy the necessary tax. The revision of 1784 gave similar authority to selectmen if money was not granted "to provide and answer any of those articles, matters, things or charges by them to be provided or answered according to law." [1] This would seem to have included money for supporting the poor. The fact that they were accountable for such sums in the same manner as for the town stock used for relieving the poor tends to confirm this.

4. REGULATION OF BRIEFS

The laws regulating briefs, described in the first chapter, remained in force throughout the later colonial period. The revisions of 1750 and 1784 made only slight verbal changes.[2]

We may summarize the progress of the later colonial period as to methods of poor relief by saying that, while the system remained essentially one of relief by the towns, the obligation of the colony for those without settlements was increasingly recognized.

IV. Special Legislation

During the later colonial period no new differentiations were made.

1. PROTECTION OF INDIANS

Some additions were made to the laws for the protection of Indians. It had become customary for Indians to indenture their children to the colonists to be trained and educated. To prevent abuses, it was enacted in 1720 that

[1] 1784, 218.

[2] 1750, 17; 1784, 18.

no such indenture was good in law unless acknowledged.[1] The revision of 1784 required that it be approved and acknowledged before an assistant or justice of the peace.[2] For failure to educate Indian apprentices, a fine of not more than 40*s.* was imposed in 1727.[3] In 1750 it was made 30*s.* and a like amount for every three months during which the neglect continued.[4] By 1784 it was required that such masters should teach the children to read and "also . . . instruct them in the principles of the Christian religion, by catechising or otherwise." The fine remained 30*s.*, but if the neglect continued, the selectmen were to remove the children and bind them out to other masters, with the advice of an assistant or justice of the peace.[5] There were also new laws regarding Indian lands. There was no title to land purchased from Indians without permission from the general assembly.[6] If land was purchased without such permission, or later sold or settled without the approval of the assembly, a fine of £50 was imposed and treble damages were to be awarded to the party wronged thereby.[7] The land laws of 1702 were also retained, but no land might be taken from Indians even for state or town purposes except with the approval of the assembly.[8] The laws regarding debts [9] and selling liquor were not modified except that the liquor fine was made 10*s.* a pint. Unless the accused person acquitted himself on oath, the accusation of the Indian and "other strong circumstances" were sufficient to convict.[10]

2. CARE OF INSANE

In the workhouse law of 1727 an important clause was

[1] *Col. Rec.*, vi, 184; *A. and L.*, 254. [2] 1784, 101, par. 7.
[3] *Col. Rec.*, vii, 102; *A. and L.*, 339. [4] 1750, 97, par. 3–5.
[5] 1784, 101, par. 8 *et seq.*
[6] 1717, May, *Col. Rec.*, vi, 13; *A. and L.*, 221; 1784, 113.
[7] 1722, Oct., *Col. Rec.*, vi, 355, 356: *A. and L.*, 281; 1784, 116.
[8] 1784, 101, par. 11 *et seq.* [9] *Ibid.*, par. 10. [10] *Ibid.*, par. 5 *et seq.*

included. This provided for the confinement in the workhouse of any insane who were unfit to go at large and whose friends did not care for them.[1] In those early days, before asylums were thought of, this was undoubtedly a step in advance, though now we have learned to oppose such methods.

The further changes regarding the care of the insane or idiotic have virtually been described already. They were to be cared for, under the laws of 1750 and 1784, like those who came to want from other causes; that is, their estates and relatives were responsible, and they might themselves be put out to suitable work or service, at the discretion of the selectmen. If these methods could not be used or were insufficient, the authorities of the town of birth or settlement were directed to care for them at the expense of the town of settlement or of the colony.[2] The criticism already made upon this provision is especially applicable to the case of these unfortunates. The town of residence should have been made the responsible party, as was apparently the intention of the law-makers.

A case showing the need of this arose in 1756. Not until the assembly of that year ordered the town of Wallingford to care for an insane woman whose settlement was unknown, but who was wandering through the town without clothing, was action taken.[3] Incomprehensible as such neglect appears to us, the records vouch for its occurrence.

Wallingford seems to have been given to such conduct in those days, for two years later, in 1758, it was represented to the assembly that an insane woman was permitted to wander from town to town and disturb people. Her relatives in Wallingford did not restrain her and the select-

[1] *Col. Rec.*, vii, 129; *A. and L.*, 344, par. 2; 1784, 208, par. 6.

[2] 1750, 90, par. 1–6; 1784, 98, par. 1–6. [3] *Col. Rec.*, x, 464.

men did nothing. The assembly authorized any person who found her outside the town to apply to any assistant or justice for a warrant to the constable requiring him to take her to Wallingford and deliver her to the selectmen, who were ordered to pay the constable 4*d.* for every mile he transported her, together with the usual fees and allowances. It was evidently thought that this would bring the town authorities to terms.[1]

Before 1750 the colony had helped support several persons who by the revision of that year were made colony charges. In one case they assisted a father to care for a demented son, who became insane while in the military service of the colony. The appropriations for this purpose were made in 1759 and 1761.[2]

3. PENSION LAWS

This leads naturally to the consideration of pension laws. Until after the beginning of the Revolutionary War, there were only the private grants and exemptions mentioned in the first chapter. In 1776 selectmen were directed to give all necessary assistance "to such sick and infirm soldier or soldiers belonging to any other state" as might be "passing or repassing through this state in the service of the United States, and not able to provide for themselves." These accounts, acknowledged, when possible, under the hand of the beneficiary, and naming the state, regiment, and company to which he belonged, were to be paid out of the treasury upon orders from the Committee on Pay Table, which served as auditing office. The amounts were to be charged either to the beneficiary's estate or to the United States, from which repayment was expected.[3] In 1780 a

[1] *Col. Rec.*, xi, 111.
[2] *Ibid.*, xi, 313, 590 *et seq.*
[3] *State Rec.*, i, 121.

similar law was passed for the relief of Connecticut soldiers who fell sick in any town while going to or returning from the army of the United States. Such accounts had to be acknowledged under the hands of the beneficiaries before being presented for settlement.[1]

These two laws provided for soldiers who became sick while passing through Connecticut, but not while serving within the state. This omission was supplied by a law of 1782.[2] Members of the United States army or navy, who were not inhabitants of Connecticut, were to be relieved and supported by selectmen when sick, provided they could neither be moved nor provide for themselves, and the necessary supplies could not be obtained from the hospital or medical department of the United States or from some hospital under their care. The governor and council were to pass upon the properly authenticated accounts of such expenses and order the payment of such part as they deemed reasonable, the amounts paid to be charged to the account of the United States.[3]

In August, 1776, the Continental Congress requested the states to pension disabled soldiers, seamen, and marines. For the loss of a limb or for total disability, they recommended half-pay during life or the continuance of the disability, and for less injury, proportionate compensation. Members of the navy were to have their prize money deducted. Each applicant was to present certificates from the commanding officer in the engagement where the injury was received, if living, or from some other officer of the same corps, and from the surgeon who attended him. The corresponding naval officers issued certificates for seamen and marines. These certificates were to give the name of the

[1] *MSS. State Rec.*, ii, Oct., 1780, 18.
[2] 1784, 231, par. 4.
[3] *A. and L.*, 581.

applicant, his rank, the body to which he belonged, the nature of the wound, and where it was received. The state legislatures were asked to appoint persons to pass upon applications and to record certificates and payments to pensioners, together with the date of death or of the ceasing of the aid. Quarterly reports were to be made to the Secretary of Congress or the Board of War, and the payments made on the account of the United States. Those otherwise entitled to such pensions, who were able to do garrison duty as members of the corps of invalids, or to serve in any capacity in the navy of the United States, were to be required to do so. In May, 1777, the Connecticut assembly adopted these recommendations and authorized the Committee on Pay Table to act for it. The same aid was granted to those wounded in the service of Connecticut who were not in the United States army or navy.[1]

In April, 1782, Congress suggested a modification of this law, which was adopted by Connecticut in the following year. Any sick or wounded soldier of the armies of the United States, reported by the inspector-general or by the inspectors of a separate department, with the approval of the commander-in-chief or the department commander, as unfit for duty in field or garrison, might apply for a discharge in preference to being placed or retained in the corps of invalids. He was also entitled to a pension of $5 a month in lieu of all pay and emoluments.[2]

There is no record of the repeal of these laws but they were not included in the revision of 1784.

Many private pension bills were also passed by the assembly during these years. One allowed half-pay for the wife of a prisoner.[3] Others relieved those, not regular soldiers,

[1] *State Rec.*, i, 246–49. [2] *MSS. State Rec.*, iii, Oct., 1783, 6.
[3] *Ibid.*, ii, Nov., 1780, 23.

who were injured in resisting the enemy.[1] Thus grants were made to the widows of those killed in the defense of Fort Griswold, September 6, 1781, and to those wounded or made prisoners.[2]

4. PROTECTION OF MINORS

The last topic to be considered is that of the legislation regarding minors.

In general, the laws regarding the education of children remained the same. The phraseology was changed but the purport was the same. Parents and masters were to look after the education of their children or be fined 20*s*. They were also to bring them up in an honest and lawful employment. In case this duty was persistently neglected, the selectmen might, upon the advice of the next assistant or justice, take children from parents or masters and bind them out as apprentices.[3]

The revision of 1750 extended the power granted selectmen in 1673 to bind out the children of paupers or poor people who could not or did not "provide competently" for them to "any poor children in any town, belonging to such town, that live idly, or are exposed to want, and distress," provided there were none to care for them.[4]

The same revision made the punishment of refractory minors imprisonment in the house of correction "under hard labor and severe punishment" until, on their reformation, the magistrates ordered their release.[5] This was the indeterminate sentence in extreme form.

A few changes were made in the laws governing the relation of masters and apprentices. In 1784 the previous

[1] *MSS. State Rec.*, iii, Jan., 1784, 22. [2] *Ibid.*, ii, May, 1782, 36.
[3] 1784, 20, par. 1–6. [4] 1750, 190, par. 5; 1784, 193, par. 5.
[5] 1750, 21, par. 2; 1784, 20, par. 7.

laws governing servants and apprentices were made expressly applicable, in each section, to apprentices. The expense of pursuing absconding apprentices or servants was placed upon the master,[1] who might still hold them three times as long as they were absent.[2] When an apprentice fled from the tyranny of his master, the revision of 1750[3] required that notice be given to the latter and to the next assistant or justice of the peace. If he was unable to reconcile the parties, he might bind the master to appear before the next county court, and either bind the apprentice likewise or give orders for his custody meantime. If the master was found to be at fault, the court might cancel the indenture; while, if blame attached to the apprentice or servant, it might inflict any punishment it should "think fit," surely an expression of confidence in the discretion of the court.[4] The revision of 1784 omitted the section forbidding a master, save for less than a year or with the approval of a court or of two assistants, putting his apprentice off to another.

V. Summary

The most important changes during the period 1713-1784 may briefly be summarized:

The rogue or beggar was differentiated from the pauper, and workhouses were established for his confinement.

New methods were prescribed by which persons from other states might gain settlements, and inhabitants of Connecticut towns were given greater freedom of residence.

A person's property and estate were made liable to support him, his relatives, or his widow, if he died without

[1] 1784, 142, par. 5. [2] *Ibid.*, par. 4. [3] 1750, 152, par. 6-8.

[4] 1784, 142, par. 6-8. A notorious case of cruelty to an apprentice in Wallingford occupied the attention of the assembly from 1757-1760. *Col. Rec.*, xi, 32, 71, *etc.*

issue. Conservators and overseers might be appointed to care for the property of those likely to come to want, or the selectmen might assume entire control of the property, person, and family of an idler.

The colony and state assumed the responsibility of paying for the support of those without settlement in Connecticut. This was an interesting change, but, as will appear in the next chapter, did not become permanent.

There were inconsistencies in the law, but for the most part these were unimportant. More serious was the lack of definite responsibility upon town authorities to give aid at once to all those within its borders, whether these belonged there or not.

The only methods of caring for the poor were by putting them out to service or aiding them in their homes. The workhouse might be used for the insane.

While freedom of residence had increased, it was still too restricted.

This period distinguished between the pauper and the beggar in theory, though it did not apply the distinction very successfully in the workhouses. Otherwise distinctions tended to become indistinct. Methods designed for one class of paupers were found to work well and were used for others; for example, the scope of the laws for idiots and the sick was increased. However, this was not a serious matter.

CHAPTER III

PERIOD OF INTERPRETATION AND COMPLETION
1784–1838

I. Chief Characteristic

The most important event of the period 1784-1838 was the revision of 1821, made necessary by the new state constitution of 1818. The revisers decided "to omit all statutes, and parts of statutes, . . . directly repealed, or superseded by new provisions, or . . . obsolete by the change of manners and customs, or inconsistent with the sentiments of the age, or repugnant to the principles and spirit of the constitution." [1] The laws were thus greatly improved, as inconsistencies and omissions were corrected and many decisions were embodied. Apart from the revision, comparatively few changes were made.

II. Preventive Measures

1. LAWS OF SETTLEMENT

Of some twenty-eight general laws passed during the fifty-four years, thirteen concerned settlements, and nine of these were enacted before 1821. There was steady progress towards greater liberality. The first step in this direction was taken in 1789, when the old laws were all repealed. Persons were divided into three classes:

(1) Those without any settlement in the United States or in Connecticut.

[1] *Rev.* 1821, p. viii.

(2) Those with a settlement in the United States outside of Connecticut. This included subjects of Great Britain, deserters from the British army, whom the treaty of 1783 made citizens of the United States.[1]

(3) Those with a settlement in Connecticut, including any who served in the continental army as a part of the quota from a Connecticut town.[2]

A member of any of these classes might gain a settlement by a vote of the inhabitants, by consent of the civil authority and selectmen, or by being appointed to and executing some public office.[3]

A person settled outside of Connecticut also became an inhabitant if, during his residence in a town, he possessed in his own right in fee real estate of the value of £100.[4] Until he secured a settlement, he might at any time be removed, if the selectmen thought he was likely to become chargeable.

Those belonging in Connecticut towns might gain new settlements in the same way, but for them the property qualification was reduced to ownership of real estate valued at £30 instead of £100, in the town where settlement was desired. The old law permitted no removal of Connecticut inhabitants who had remained in a town for one year without being warned to depart, or for one year after such warning

[1] 1811, 5 *Day*, 169.

[2] 1824, 5 *Conn.*, 367.

[3] The moral qualification was thus removed. There was no other method by which one not settled in the United States could gain a settlement. In this connection it must be remembered that there was on the statute books throughout this period the law of 1784 (p. 83), which forbade any person who was not a citizen or inhabitant of any of the United States to purchase or hold any land in Connecticut without a special license from the general assembly. *Cf.* 1821, 301, § 5.

[4] Previously this applied also to persons without a settlement in the United States.

without prosecution. The law of 1789 gave a settlement to all such.[1]

Selectmen might, by warrant issued by a majority of the civil authority, secure the removal to the state or town from which he came of any inhabitant of the United States or of another Connecticut town who had no settlement in the town of residence.[2] Instead of being sent from constable to constable, he was taken to his destination by a constable of the town ordering his removal and at its expense.[3]

Selectmen, by themselves or by a warrant from an assistant or justice, might warn an unsettled person to depart. The former penalty for remaining, namely, a fine or, in certain cases, corporal punishment, was not changed. No change was made either in the treatment of one who returned after being sent away, or in the fine for entertaining a stranger without giving bonds. The penalty for selling real estate to strangers was removed. Apprentices under age or servants bought for time were not subject to warning or removal.[4]

The certificate system was changed. A certificate protected a person from warning for only two years, during which he gained no settlement. If he was permitted to remain longer, it was as if he had just removed to the town without a certificate. The provision for relief during the two years at the expense of the town granting the certificate, and for permitting the person's removal under such circumstances, remained unaltered.[5]

Another important modification established the precedent

[1] *A. and L.*, 383, par. 1–3.

[2] The former law applied to vagrants, strangers, and transient persons.

[3] *Ibid.*, par. 4. Previously a town had to pay only for taking the person to the adjoining town, each constable being paid by his own town.

[4] *Ibid.*, par. 5–7.

[5] *Ibid.*, par. 9.

for limiting the responsibility of the state for the care of state paupers. This was a substitute for the former three months' law. If any non-inhabitant of Connecticut was warned to depart within the first three months after his arrival, any expense in his behalf during that time, or beyond that time on account of a sickness which began within the three months and rendered his removal unsafe, was defrayed by the state. After the expiration of the three months or the person's recovery from the lingering illness, the town was responsible during his residence there.[1]

COMMORANCY

Before 1792 the first steps had been taken towards allowing settlements to be derived from commorancy. It was, however, a sort of surreptitious commorancy, as the selectmen decided whether to allow one to remain for the requisite twelve months. Even a self-supporting person might be sent away and prevented from becoming an inhabitant.

In 1792 the decisive step was taken. Any inhabitant of a Connecticut town who removed to another town and remained for six years from his arrival without putting either town to any expense for him or for any of his family, gained a settlement there. So long as he supported himself and family, he could be neither warned nor removed. If he or any of his family needed relief within the six years, they might all be returned to the place of settlement.[2]

This law also provided a penalty of £20 for bringing into and leaving in any Connecticut town a poor or indigent person who was not an inhabitant there. The fine was paid to the town which suffered.[3]

This was perhaps the most important step which had yet been taken in the matter of settlements. It prohibited

[1] *A. and L.*, 383, par. 8. [2] *Ibid.*, 422, par. 1. [3] *Ibid.*, par. 2.

the removal of inhabitants of Connecticut for any cause save pauperism, thus giving them entire freedom of residence, and permitting them to be settled wherever they could support themselves.

In the section on importing indigent persons was the promise of the abolition of fines for illegal residence.

The revision of 1796 showed that the time for abolition had not yet come. It merely substituted, in the section regarding inhabitants of Connecticut, the new requirement of a six years' residence for the earlier one of a year's residence without warning or prosecution,[1] limiting the section regarding removals to inhabitants of other states,[2] and the provisions about warnings and the entertainment of strangers to persons not settled in Connecticut.[3] It permitted, of course, the removal of non-supporting inhabitants of Connecticut in the same manner as those not belonging in the state.[4] The section on the certificate system was omitted.

This revision also changed the currency from pounds and shillings to dollars and cents. For £100, £30, £20, and 10*s*. should be read $334, $100, $67, $1.67.[5]

In 1812 one further change was made. A person not belonging in Connecticut was made the legal charge of the last town in which he had supported himself for six years, in case he subsequently came to want. Unlike inhabitants of Connecticut, he might be removed before the expiration of the period and sent to the town in which he had last "resided and had his home." The act was retroactive.[6] While this did not confer a settlement, yet it almost amounted to this, except that no derivative settlement could be traced to the residence.

[1] 1796, 240, par. 3 *et seq*. [2] *Ibid*., par. 5. [3] *Ibid*., par. 6–8.
[4] *Ibid*., par. 4. [5] *Ibid*., 239, par. 2 *et seq*. [6] 1812, Oct., c. 19.

Somewhat similar was a section of the poor law of 1821. It had been held that one with a settlement in Connecticut who went to another state and became an inhabitant there lost the former settlement. What should be done if he returned to Connecticut and needed relief? Section seven of this law made him chargeable where he had his last legal settlement.[1]

The remaining acts of the period were less important; they simply perfected and guarded the previous enactments.

A law of 1810 declared that one who claimed settlement on the basis of a self-supporting residence of six years must also have paid all "the lawful taxes . . . arisen against him, while so residing, within the time by law prescribed for the payment thereof." He might be removed for nonpayment of taxes as well as for pauperism.[2]

In 1813 it was enacted that no inhabitant of another state might be admitted as an inhabitant in a Connecticut town unless he had resided there for the year next preceding. If his settlement was based on the ownership of real estate, he must, in addition to this residence, have owned during the year real estate in Connecticut which not only was worth $334 and was held in his own right in fee (the former law), but the deed for which, if the title was by deed, had been recorded at full enough for one year.[3]

By a statute passed six years later, in 1819, no inhabitant of Connecticut secured a settlement by the possession of real estate, unless he had owned it for one year free from all incumbrance.[4]

[1] 1821, 371, § 7. [2] 1810, May, c. 10. [3] 1813, Oct., c. 9.

[4] 1819, May, c. 14. This was probably passed because in Barkhamsted *v.* Farmington (2 *Conn.*, 600) the court held that a mortgage was not a bar to gaining a settlement.

It will be remembered that paupers might be removed to the town of settlement by the town of residence. After 1820, a pauper residing in a town and supported by his own town might be brought back by its constable upon the application of the selectmen.[1]

For the most part, the revision of 1821 merely embodied these changes. In section one, however, foreigners were expressly included with those without settlements in the United States.[2]

The section of the law of 1810 making the non-payment of taxes a bar to a settlement by commorancy was omitted, but for such non-payment a person might be removed within the six years.[3] Attention was called to this omission by the supreme court in 1828, in Litchfield *v.* Farmington.[4] Two years later, in 1830, the power of removal for this cause was withdrawn, but it was enacted that no settlement might be acquired if taxes had not been paid upon demand by the collector.[5] In the following year, 1831, steps were taken to make clear the fact of such non-payment or, what was nearly equivalent, of the abatement of taxes. The selectmen [6] already had authority to abate the taxes of poor and indigent persons.[7] The law of 1831 made it the duty of selectmen to lodge with the town clerk within ten days a list of the persons whose town or state taxes had been abated, together with a certificate from the collector that demand had been made. Certified copies of such certificates were made evidence of the non-payment of taxes.[8]

[1] 1820, c. 38. [2] 1821, 279, § 1.

[3] *Ibid.*, § 4. It was probably expected that under such circumstances he would surely be removed, and no settlement be secured.

[4] 7 *Conn.*, 100. [5] 1830, c. 33.

[6] Before 1823, c. 13, the civil authority and the selectmen. *Cf.*, *post.*

[7] 1821, 453, § 12. [8] 1831, c. 29.

Corporal punishment for violations of the laws of settlement was abolished for females in 1813, for males in 1833 and 1837.[1]

The method of admitting inhabitants by the civil authority and selectmen was defined in 1836. It was to be by a majority vote of the members of the two bodies acting together. A majority of the entire number of justices and selectmen formed a quorum. Meetings must be held on three days' notice by any two of the civil authority or selectmen. If a quorum appeared at the time and place specified in the call, they were "to receive and decide upon all applications . . . made to them in behalf of persons residing in said town, to be admitted to settlements therein."[2]

Two other acts call for brief mention. In 1788 a law was passed to prevent the importation of convicts. To import, or knowingly to assist in importing, into Connecticut any convict who had been sentenced to be transported abroad, was forbidden under penalty of a fine of £100 (later $334) for each convict so imported or assisted. One prosecuted under this law was to be adjudged guilty upon proof of the importation of foreigners, unless it was proved that they were not convicts and that it was lawful to import them.[3]

From 1833 to 1838 there was on the statute books a law prohibiting any person, without written permission from a majority of the civil authority and selectmen of the town, from establishing schools for the education of colored persons. The penalty was a fine of $100 for the first offense, which was to be doubled for each succeeding offense. The same penalties were prescribed for teaching in such a school

[1] 1813, Oct., c. 3; 1833, c. 9, § 4; 1836–37, c. 74. [2] 1836–37, c. 73.
[3] *MSS. State Rec.*, iv, 1788, Oct., p. 4; *Cf.* 1821, 133.

or for harboring or entertaining children for the purpose of such attendance. This did not apply to any regularly incorporated academy or school, or to any of the public schools of the state. Any colored pupil not belonging in the state might be removed by the town authorities and be compelled to testify in cases arising under this act. The reason for this law was the attempt to establish such schools for colored persons from other states and countries, "which would tend to the great increase of the colored population of the state, and thereby to the injury of the people." [1]

SUMMARY

These laws may be summarized briefly as follows:

A foreigner or one without a settlement in the United States might gain a settlement only by vote of the inhabitants of a town, the consent of the local officials, or by holding public office.[2] He was not allowed to hold or buy real estate without permission of the general assembly.[3] A six years' self-supporting residence in a town entitled him to support there in case of need.[4]

An inhabitant of another state might, after a year's residence, gain a settlement in any of the ways specified above or by one year's residence, coupled with the ownership of unencumbered real estate valued at $334, under certain specified conditions.[5] He, too, was entitled to support after a six years' residence.[6] In case he had previously been settled in Connecticut, the town of former settlement was responsible.[7]

Within the six years members of the second class might

[1] 1833, c. 9; repealed by 1838, c. 34.

[2] 1838, 359, § 1; 362 (1836), §§ 1, 2.

[3] *Ibid.*, 389, § 5. [4] *Ibid.*, 367, § 4. [5] *Ibid.*, 359, § 2.

[6] *Ibid.*, 367, § 4. [7] *Ibid.*, 365, § 7.

be removed.[1] Those not belonging in Connecticut might be warned to depart, under penalty of a fine for remaining,[2] or be removed to the last Connecticut residence.[3] A like fine was imposed for entertaining or letting land to such persons without giving bonds to save the public from expense.[4]

An inhabitant of Connecticut might gain a settlement in another town in any of the three ways prescribed for foreigners, or either by the ownership in fee for one year during his residence in the town of unencumbered real estate located there worth $100, or by a six years' residence, during which he supported himself and his family and paid all his taxes. The non-payment of taxes prevented his becoming an inhabitant of the new town, but was no ground for removing him. If, however, he failed to support himself and his family, he might be removed to the town of settlement by that town or by the town of residence. In either case the town where he belonged was bound to support or relieve him.[5]

No apprentice or servant bought for time might be warned or removed.[6]

A town was also responsible for relieving a stranger after he had resided there for three months, or before that time if no warning had been given; provided, of course, that he had not been a self-supporting resident in another town for six years.[7]

The importation of convicts[8] and the leaving of indigent persons in towns where they did not belong[9] were punished by fine.

[1] 1838, 361, § 6. [2] *Ibid.*, § 7. [3] *Ibid.*, 367, § 5.
[4] *Ibid.*, 361, § 9. [5] *Ibid.*, 360, §§ 3–5. [6] *Ibid.*, 361, § 7.
[7] *Ibid.*, 367, § 3. [8] *Ibid.*, 113. [9] *Ibid.*, 362, § 10.

NEW TOWNS

Over sixty towns were incorporated between 1784 and 1838. In the last chapter it was noticed that two methods of dividing paupers were being used. They might be divided according to the financial strength of the towns, based upon the tax lists, or according to their residence. Before 1810 the former method was generally used; after 1810 it was gradually displaced by the latter. Thus before 1810 paupers were divided in

30 towns according to tax lists.
6 towns according to residence.

After 1810

4 towns according to tax lists.
10 towns according to residence.

The same tendency appeared where both methods were used. Before 1810 residence was added to lists in only two cases, after that date in five. Possibly the reason was that as the towns began to recover from the losses entailed by the Revolutionary War, the financial side appealed to them less strongly.

Where the two methods were combined, that of basing settlement upon residence was prescribed for determining the status of those who might later become paupers. It was easy to divide, according to a definite proportion, present paupers, but not those who in future days became needy one by one.

The newer method was used in different ways. It was usually provided that of the actual paupers the new town should support those whose residence was within the new limits, or who were born or had gained a settlement by residence there. For absentees, the criterion was usually either their birthplace or their settlement at the time of their departure.

A typical instance of the earlier method is the town of Lisbon, which was incorporated at the May session, 1786, from a part of Norwich. It was provided:

> And the said town of Lisbon shall take to themselves and maintain their proportion of the poor people now supported or assisted by said town of Norwich and shall receive and acknowledge their proportion of those inhabitants of said town of Norwich who now dwell in other places by permission on certificate, or otherwise and shall be hereafter returned as legal inhabitants of the said town of Norwich, and bear their proportion of the expense that shall arise on such inhabitants when returned as aforesaid.[1]

The division was to be in proportion to the lists of 1785.

At the same session the town of Brooklyn was incorporated and the other method was specified for it.

> And the inhabitants of said town of Brooklyn shall receive all such poor persons as are and were the inhabitants within the bounds of said Brooklyn and all such as may hereafter be sent back either to the towns of Canterbury or Pomfret[2] that were legal inhabitants within the bounds of said Brooklyn.[3]

The later provisions were more elaborate, but this will suffice as an illustration.

The provision regarding absentees in four towns was that they should be supported by the town within which they had last resided before their departure. One of these towns was Bethany, which was set apart in 1832. The meaning of the residence in its case was decided by the

[1] *MSS. State Rec.*, iii, 1786, May, 45 *et seq.*

[2] The towns from which it was set off.

[3] *Ibid.*, 47 *et seq.* This was really the principle of the common law, which determines responsibility by the answer to the following question: If the boundaries of the towns had always been as since the separation, in which town would the pauper have been a settled inhabitant? *Cf.* 18 *Conn.*, 424.

court in 1847[1] to be, not a settlement, but merely a domicile. Thus, an absent pauper, who was settled in the old town, but who, for a few weeks immediately before his departure, had resided within the limits of the new, was, under the charter, its proper charge. The common law would have placed the responsibility on the old town.

DECISIONS

It must have been noticed that the laws of settlement have hitherto concerned themselves exclusively with the acquisition of a settlement by an adult. What is the settlement of his family? What effect does marriage have upon settlements? It is for the answers to such questions as these as well as for the interpretation of the law that we next turn to the decisions of the courts.

"The place of a person's birth will be taken to be his place of settlement until it be shown that he has a settlement elsewhere." [2]

"A person does not lose a settlement until another is gained in some other place." [3]

A man is not proved an inhabitant of a town by presenting a certificate of the civil authority and selectmen that he was entitled to be admitted as freeman (*i. e.*, voter), together with parol proof that he took the oath.[4] Yet the law at that time apparently forbade any one to be admitted freeman except in the town in which he was an inhabitant.[5]

[1] Waterbury *v.* Bethany, 18 *Conn.*, 424.

[2] 1821, Sterling *v.* Plainfield, 4 *Conn.*, 114; 1825, Danbury *v.* New Haven, 5 *Conn.*, 584; add 1883, 51 *Conn.*, 319.

[3] 1790, Norwich *v.* Windham, 1 *Root*, 232.

[4] 1819, Barkhamsted *v.* Parsons, 3 *Conn.*, 1.

[5] The above was the ground for the decision of the lower court, and as the supreme court overruled the objections, the position stands.

At this time, by 1818, Oct., c. 1, the supreme court of errors was composed of one chief justice and four associates, four constituting a quorum.

Under the certificate law before 1789, a person who did not lodge his certificate with the town clerk was on the footing of an uncertificated visitor, and might gain a settlement by a residence for a year without being warned.[1] A man who was neither warned nor removed within a year did not gain a settlement because he was during that time considered a pauper and supported at the joint expense of the four towns into which his former town had been divided during his absence and before the year's residence in question.[2]

To acquire a settlement based upon the possession of real estate, there must be actual occupation by the owner. Adverse possession by another will prevent it.[3] But a written promise to convey to the former owner within three years at a fixed price the property held on deed, is not a mortgage and does not act as a bar.[4]

"A foreigner gains a settlement in no town in the state

It assigned each member to the county or counties in which he held superior court. Only in capital cases (1819, c. 1) was a superior court composed of more than one judge, at least two sitting on such cases. The revisions of 1821 (137, § 4) and 1838 (117, § 4) required that no judge be assigned to the same county two successive terms. Two sessions were held in each county each year. Before 1818 the superior courts had been held by several judges as in 1784, with some changes in the total number. Until 1819 the county courts were composed of one judge and at least two justices of the quorum. 1820, c. 14, constituted them of one chief judge and two associates. In 1838 their composition was the same, two judges being a quorum, and three annual sessions being held in each county. There were also probate courts, composed of one judge, in each of the districts into which the state was divided, court being held, unlike the county and superior courts, in any town within its jurisdiction. The number of districts was 26 in 1784 and 72 in 1838.

[1] 1792, Tolland *v.* Lebanon, 1 *Root*, 398.

[2] 1792, Lisbon *v.* Franklin, 1 *Root*, 423.

[3] 1824, Weston *v.* Reading, 5 *Conn.*, 255.

[4] 1828, Reading *v.* Weston, 7 *Conn.*, 143.

by commorancy." [1] Neither can an infant, a minor,[2] nor a ward residing with his guardian.[3] Stratford *v.* Fairfield (1821)[4] is always referred to as authority that a person under an overseer can acquire such a settlement. The court so declared, but as the case was remanded for retrial on other grounds, this would seem to be only a dictum.

While a child may be required to support his parent to the limit of his ability, yet if he is self-supporting, he gains a settlement, even though his parent is a pauper.[5] On the other hand, a self-supporting mother failed to secure a settlement because her daughter, an inhabitant of another state, but living in her family, had been aided by the town, although there had later been a partial reimbursement from the state.[6] At the same time it was held that advancements from selectmen to aid in prosecuting a bastardy case, which were afterwards repaid by the putative father, did not prevent the woman from gaining a settlement.[7] In the former case the public was put to permanent expense; in the latter it was not, and the court declared that the advancements had no effect, "they were made either on her individual credit, or on the funds in the hands of the selectmen, or were gratuitously advanced." [8]

Before a settlement by birth in Connecticut is superseded by a derivative settlement in another state, it must be shown as a matter of fact that the new settlement is legally recognized there as such.[9]

[1] 1792, Somers *v.* Barkhamstead, 1 *Root*, 398. This old ruling still stands, though later decisions have qualified it somewhat.

[2] 1821, *ante*, 4 *Conn.*, 114; 1810, Huntington *v.* Oxford, 4 *Day*, 189.

[3] 1789, Salisbury *v.* Fairfield, 1 *Root*, 131. [4] 3 *Conn.*, 588.

[5] 1825, Lebanon *v.* Hebron, 6 *Conn.*, 45.

[6] 1824, Norwich *v.* Saybrook, 5 *Conn.*, 384. That is, the duty of a parent to support a child is on a higher plane than the reciprocal duty of the child to aid a parent.

[7] 1825, *ante*, 6 *Conn.*, 45. [8] *Ibid.* [9] 1821, *ante*, 4 *Conn.*, 114.

A person who has lost a Connecticut settlement by gaining one in another state, regains it in Connecticut only as any other inhabitant of another state.[1] This was modified by a later decision discussed in the next chapter, but until 1867 it held.[2]

When an act of incorporation declares that all inhabitants living within certain limits compose the new town, this includes only those of full age and *sui juris* and excludes minors and residents who are inhabitants of other towns.[3] The mere fact that a person was absent from a town when incorporated does not affect his settlement there, provided he would have been included if at home; unless, of course, he has gained a settlement elsewhere.[4] This was reaffirmed in 1821,[5] though in a hypothetical case, the proof of the hypothesis being remanded to the lower court.

An act of incorporation is to be strictly construed. Thus in 1819 it was decided that a town which by its act of incorporation was required to take its proportion of the present poor of the old town, and which later agreed to support as such two specified paupers, was not obliged, after the death of one of these, to support his widow.[6] If a town is divided, a residence within the old town but outside the limits of the new, counts for nothing towards securing a settlement by commorancy.[7]

[1] 1823, Middletown *v.* Lyme, 5 *Conn.*, 95; *cf.* 32 *Conn.*, 71.

[2] The last decision by a superior court that such a person was no longer a legal charge upon the town of former settlement, if he returned to the state, was rendered in 1820, in Glastonbury *v.* Hebron, by the superior court in Hartford. The obligation was reimposed by the revision of 1821, as already noted. *Vid.*, 34 *Conn.*, 270.

[3] 1816, Marlborough *v.* Hebron, 2 *Conn.*, 20.

[4] 1790, Mansfield *v.* Granby, 1 *Root*, 179.

[5] Vernon *v.* East Hartford, 3 *Conn.*, 475.

[6] Hebron *v.* Marlborough, 3 *Conn.*, 209.

[7] 1808, Oxford *v.* Woodbridge, 3 *Day*, 224. *Vid.*, chap. 4, for other decisions on this point.

A town may not remove from within its border to his place of settlement a ward living there with his guardian, although, as already seen, such a residence cannot change his settlement.[1] Before the act of 1820, which permitted the town of settlement as well as the town of residence to remove a pauper, the former, though liable for his support, had no power to remove him to the place where he could be supported most cheaply and conveniently.[2]

In 1804 the court declared legal the removal of an insane woman to her place of settlement, although she had a reversionary estate in fee in the town of residence.[3]

While it is perfectly proper to induce an inhabitant of a town to return to be supported there,[4] it is illegal to remove a pauper to a town where he is not an inhabitant. The rule for damages in such a case is the amount necessarily and in good faith expended in support from the time of the removal to the time of trial.[5] It makes no difference that the removal was in good faith or upon a warrant from the civil authority. The issue of such a warrant is not a judicial but a ministerial act.[6] The proper action in such a case was declared in 1791 to be, not *indebitatus assumpsit*, that is, an action for violating an implied promise, but an action for trespass.[7] The decision of 1832, just cited, declared the remedy to be action on the case.[8]

If a man has a settlement in Connecticut, his wife upon her marriage loses her settlement and takes his.[9] In 1792 the superior court held that this was the effect of marriage

[1] 1789, *ante*, 1 *Root*, 131. [2] 1821, Backus *v.* Dudley *et al.*, 3 *Conn.*, 568.
[3] Johnson *v.* Huntington, 1 *Day*, 212.
[4] 1823, Stewart *v.* Sherman, 4 *Conn.*, 553.
[5] 1832, Stratford *v.* Sanford *et al.*, 9 *Conn.*, 275. [6] *Ibid.*
[7] Somers *v.* Barkhamstead, 1 *Root*, 262. [8] *Ante*, 9 *Conn.*, 275.
[9] 1811, Hebron *v.* Colchester, 5 *Day*, 169; 1825, *ante*, 5 *Conn.*, 584; *cf.* 1899, Harrison *v.* Gilbert *et al.*, 71 *Conn.*, 724.

with a man settled in another state.[1] This ruling has never been reversed. A case involving this point was decided by the supreme court in 1864. The decision was based on other points and the court declared: "We have not thought it necessary to examine the question whether a settlement in another state would be communicated to his wife and children so as to prevent the wife from retaining her original settlement and the children from following her." [2] If, however, the husband has no settlement, hers is suspended upon her marriage.[3]

If a marriage is found to have been void *ab initio*, the woman's settlement becomes what it would have been had she been single since the date of the supposed marriage.[4] If the marriage was originally valid, a divorce does not change her settlement. She retains her husband's, and may even communicate it to an illegitimate child born since the marriage.[5]

Legitimate children take the settlement of their father; if he has none, that of their mother.[6] If, after the death of the father, the mother, not through a second marriage but in her own right, acquires a new settlement, she communicates it to her minor children, even though they may not be under her actual control.[7] The settlement of a child de-

[1] Windham *v.* Norwich, 1 *Root*, 408.

[2] Middlebury *v.* Bethany, 32 *Conn.*, 71.

[3] 1811, *ante*, 5 *Day*, 169; 1825, *ante*, 6 *Conn.*, 45; add 1883, Windham *v.* Lebanon, 51 *Conn.*, 319. Since 1854 (*vid. post*) this matter has been regulated by statute.

[4] 1804, *ante*, 1 *Day*, 212.

[5] 1832, Guilford *v.* Oxford, 9 *Conn.*, 321.

[6] 1811, *ante*, 5 *Day*, 169; 1825, *ante*, 6 *Conn.*, 45; 1821, Newtown *v.* Stratford, 3 *Conn.*, 600; 1821, *ante*, 4 *Conn.*, 114.

[7] 1822, Bozrah *v.* Stonington, 4 *Conn.*, 373; add 1852, Torrington *v.* Norwich, 21 *Conn.*, 543.

rived from the father is not changed by the parents' subsequent divorce, even though the mother is appointed guardian.[1] An early decision declared an idiot living with his mother to be settled with her.[2]

"A bastard child is settled with the mother."[3] This holds for one born outside of the state and not brought into it until after its mother's death;[4] and even if the mother's settlement has been changed by her marriage subsequent to the begetting of the child but prior to its birth.[5] In 1837 it was held by three judges against two that if the mother was married after the child was born, the bastard took the mother's new derivative settlement. This decision has since been reaffirmed.[6] If the mother has no settlement, the bastard is settled in the place of birth.[7]

A slave had the settlement of his master and retained it after his manumission until he secured a new settlement in his own right.[8] No slave could communicate a derivative settlement. Hence, as the child of a female slave born after March 1, 1784, could be held in servitude only until the age of twenty-five, and was therefore not a slave, the child was settled in its birthplace, though the mother's settlement and the child's residence had since changed.[9]

[1] 1816, *ante*, 2 *Conn.*, 20.

[2] 1790, East Hartford *v.* Middletown, 1 *Root*, 196.

[3] 1790, Canaan *v.* Salisbury, 1 *Root*, 155; 1825, *ante*, 5 *Conn.*, 584; add 1883, 51 *Conn.*, 319.

[4] 1825, Woodstock *v.* Hooker, 6 *Conn.*, 35.

[5] 1832, *ante*, 9 *Conn.*, 321.

[6] New Haven *v.* Newtown, 12 *Conn.*, 165; *cf.* 1847, Newtown *v.* Fairfield, 18 *Conn.*, 350; 1848, Oxford *v.* Bethany, 19 *Conn.*, 229.

[7] 1816, Hebron *v.* Marlborough, 2 *Conn.*, 18; for a discussion of the point, *vid.* 6 *Conn.*, 35.

[8] 1797, Bolton *v.* Haddam, 2 *Root*, 517.

[9] 1817, Windsor *v.* Hartford, 2 *Conn.*, 355.

2. SUPPORT OF RELATIVES

During this period no important change was made in the laws for the support of indigent persons by relatives. Those liable and the method of enforcing the obligation remained the same.[1] Selectmen, however, became the only parties to whom amounts collected on execution were paid.[2] Formerly, these were payable to the complainant, who might be one of the relatives.

The application of the law was limited by several decisions.

There is at common law no obligation to support parents or grandparents. There can, therefore, be no recovery in such cases through action of debt, but only through application to the county court in the manner prescribed by statute.[3] Contributions are not enforceable against relations by marriage, but only against those by blood.[4] Neither can they be enforced except by the town where the indigent person is an inhabitant.[5] Lastly, the assessment must be exclusively prospective and cannot be to reimburse for past expenditures.[6] Hence, even a written promise from a son to repay expenditures made for his father, if the latter

[1] Parents, grandparents, children, grandchildren, by order of the county court where the needy relative lived, on complaint by selectmen or relatives.

[2] 1821, 369, § 1; 1838, 363, § 1.

[3] 1795, Gilbert *v.* Lynes, 2 *Root*, 168; 1821, Wethersfield *v.* Montague *et al.*, 3 *Conn.*, 507; add 1864, 32 *Conn.*, 142. This position was first taken as early as 1773, in Waterbury *v.* Hurlburt, 1 *Root*, 60.

[4] 1786, Mack *v.* Parsons *et al.*, *Kirby*, 155; 1791, Sherman *v.* Nichols, 1 *Root*, 250; 1792, Nichols *v.* Sherman and Foot, *ibid.*, 361; 1821, Newtown *v.* Danbury, 3 *Conn.*, 553.

[5] This was stated in 3 *Conn.*, 553 (1821, *ante*), but seems rather in the nature of a dictum.

[6] 1821, *ante*, 3 *Conn.*, 507; 1828, Cook *v.* Bradley, 7 *Conn.*, 57; *cf.* 1821, *ante*, 3 *Conn.*, 553.

could not settle, was declared unenforceable at law, for want of sufficient consideration.[1]

What effect does a divorce have upon a father's obligation to support his children? The first decision seemed decisive. Upon the divorce, alimony had been allowed the wife in lieu of claims of dower, and to her had been entrusted the guardianship of two children, while the father was to have been guardian of the oldest, a son. Later the boy had fled from the father to the mother for fear of violence. The court held that the father was liable for the support of all three children, and that the mother might recover for the same.[2] In a suit to enforce this judgment, the supreme court of New York held that as both parents were under equal obligation, all the mother could do was to sue for a contribution towards the support.[3] A similar position was taken by a majority of the Connecticut court in 1853,[4] but until 1838 the position of 3 *Day*, 37, seems to have prevailed.

3. SUPPORT BY HOST

The obligation of a host to care for a guest who needed relief was slightly changed in 1789. The time of entertainment which imposed this duty was lengthened from four days to fourteen. The host might still escape responsibility by notifying the selectmen of the arrival within the time specified, fourteen days.[5] In 1796 the statute was limited to guests without Connecticut settlements.[6] A change in phraseology made in 1821 [7] may indicate that the notice was to be given within fourteen days from the beginning of the need of relief, but this is very doubtful.[8]

[1] 1828, *ante*, 7 *Conn.*, 57. [2] 1808, Stanton *v.* Willson and Smith, 3 *Day*, 37.
[3] *Vid.* 2 *Conn.*, 21, note. [4] Finch *v.* Finch, 22 *Conn.*, 411.
[5] *A. and L.*, 385, par. 2. [6] 1796, 241, par. 10. [7] P. 372, § 3. [8] 1838, 367, § 3.

4. REIMBURSEMENT FROM PAUPER'S ESTATE

In 1831 an addition was made to the provisions making a person's property liable for his support. When a town pauper died, leaving personal estate not exceeding $30 in value, the selectmen might dispose of it for the use of the town, provided no one interested in the estate took out administration thereon within ninety days.[1]

5. CONSERVATORS

Two significant changes in the laws governing conservators were made in the revision of 1821. These limited such appointments to the idiotic and insane and obliged the county court, if such persons had estates, to appoint conservators.[2] The first of these, which meant a sharper differentiation in methods, lasted only three years. A statute of 1824 once more extended this provision to all who were incapable of managing their affairs.[3] In regard to the second change, it will be recalled that under the earlier statutes the appointment of a conservator was optional and the court might itself manage property and person.

Other changes during the period were designed to guard the interests of the ward by specifying in detail the method of appointment and the duties of the conservator.

As finally embodied in the laws of 1838, to secure the appointment of a conservator, an application had to be made to the county court of the place of residence, signed by the selectmen of the town where the person belonged or by some relative. It was accompanied by a summons, signed by lawful authority, notifying the respondent and, if the relatives applied, the selectmen as well, to appear before the court. It was to be served by leaving an attested copy at the persons' usual places of abode at least twelve

[1] 1831, c. 28; 1838, 366. [2] 1821, 274, § 1. [3] 1824, c. 27; 1838, 354, § 3.

days in advance. Unless such notice had been given, no conservator might be appointed.[1] Inquiry had then to be made into the person's ability to care for his estate. A conservator was required to give bonds with security and to report to the court upon demand. He received reasonable compensation for his services and might be removed for neglect or mismanagement and another appointed in his stead.[2]

His first duty was to make and file with the clerk of the court an inventory of his ward's estate. The conservator had authority to care for the person and property of his ward, to use the income and personal estate, which he might sell or dispose of, for the support of the ward and his family, collect and sue for debts due to him, and adjust and settle accounts and debts due from him. The court might, upon application by the conservator, order the sale of enough real estate to make good any deficit, or it might authorize the conservator or some other person to sell a larger amount, or even the whole,[3] if it deemed this to be for the best interests of the ward. The personal estate did not need to be used first. The seller[4] was to give bonds conditioned upon his investing the surplus in other real estate to be conveyed to the ward, or in mortgage on real estate worth double the value of the estate sold. No such sale might be authorized if reasonable notice of the application had not been given to the selectmen, unless they themselves had joined in the application.[5]

If the ward was restored to ability to care for his property, the remainder was returned to him; if he died, it went to his heirs.[6]

[1] 1829, c. 12. [2] 1838, 349, § 1; 354. [3] 1836–37, c. 61, § 1.
[4] *Ibid.*, §§ 1, 3. [5] 1838, 349, § 2; 355.
[6] 1836–37, c. 61, § 4; 1838, 349, § 2; 355, § 4.

If the obligor of a bond, his executors, or administrators, when called upon to furnish additional security, did not do it, the court might put the bond in suit and place the amount recovered at interest on good security or otherwise dispose of it for the benefit of the ward. It was the duty of the court to demand further security whenever there was occasion.[1]

The revision of 1821, which made it the duty of the county court to appoint a conservator for those propertied persons who were mentally defective, withdrew from the court its previous authority to "dispose" such "to any proper work or service." [2]

DECISIONS

Important interpretations of this law were made during the period. The appointment of a conservator is not valid unless the court finds that statutory notice was given the ward. An officer's return of the fact is not sufficient.[3]

A county court has no jurisdiction over an estate under a conservator after the death of the ward or of the conservator.[4]

[1] 1836–37, c. 61, § 2; 1838, 355, § 2. The former law had simply authorized county courts, upon application by relatives and selectmen, to appoint a conservator to care for person and property under their direction, and to order the sale of enough real estate to pay debts. Except as otherwise noted, the new law dates from 1821, 274, § 1 *et seq.*

[2] *Cf.* 1838, 349, § 1. [3] 1837, Hutchins *v.* Johnson, 12 *Conn.*, 376.

[4] 1814, Norton *v.* Strong, 1 *Conn.*, 65; 1824, Spalding *v.* Butts, 5 *Conn.*, 427; 1825, *idem.* 6 *Conn.*, 28. In 1859 (28 *Conn.*, 268) the court called attention to the fact that the point decided in 1 *Conn.*, 65, was that the conservator was not the owner of produce raised on his ward's farm and could not, therefore, have a lien upon it for the balance of his account; while in 5 *Conn.*, 427, and 6 *Conn.*, 28, the decision was that the action of the court in settlement of a conservator's account after his decease was not a judgment upon which action of debt could be maintained by the ward to recover the balance due to him upon such settlement. Further than that the decisions did not go, though the declarations of the court did.

An early decision by the superior court, 1796, held that "a conservator is liable upon an express agreement made during his appointment, after he is out of office, and has his remedy against the estate of the impotent person." [1] No conservator may lease the real estate of his ward or sell his growing wood. If a lessee destroys the wood, the estate at will is *ipso facto* determined, the tenant becomes a trespasser *ab initio,* and the ward, as the real owner, may maintain trespass *quare clausum fregit.*[2] While a conservator may submit the claims of his ward to arbitration, yet he cannot maintain action in his own name on such an award, though made to him in his representative capacity; the suit must be brought in the ward's name.[3] An action against a person under a conservator must be continued unless reasonable notice has been given to the conservator.[4] While the powers of the conservator are thus limited, the ward's are more so. He cannot give a valid deed even though it is executed with the consent of his conservator.[5]

6. OVERSEERS

Of somewhat less importance were the changes in the laws for the appointment of overseers. They were all made by the revision of 1821.[6]

It was the duty of selectmen to appoint an overseer for any resident in their town who, because of "idleness, gaming, intemperance, debauchery, mismanagement, or bad husbandry," was likely to become chargeable. The appointment, signed by the selectmen, had to specify the

[1] Campbel *v.* Crandal, 2 *Root*, 371.

[2] 1824, Treat *v.* Peck, 5 *Conn.*, 279; *cf.* 55 *Conn.*, 114, which reverses this in part.

[3] 1837, *ante*, 12 *Conn.*, 376; add 1876, 44 *Conn.*, 120.

[4] 1786, Snow *et al.*, *v.* Antrim, *Kirby*, 174.

[5] 1819, Griswold *v.* Butler, 3 *Conn.*, 227.

[6] 1821, 276, §§ 6–9.

cause [1] and the time,[1] not exceeding three years, for which it was made. It was to be posted and filed as under the former law. The selectmen might remove an overseer for cause and appoint another.[2] The duty of an overseer was "to superintend the management of the estate and concerns" of the ward, "to assent to all contracts and dispositions of . . . property, necessary for a proper management" of the estate and the owner's support, and to restrain him from wasting his property. No contract was valid without the consent of the overseer.[3] If he reformed, the appointment might be revoked. If he refused to submit to the overseer, the selectmen, instead of taking control of the person and his property, as under the former law, might secure the appointment of an overseer in the second stage, by applying to two or more justices of the peace for a warrant or for notice to be given to the person. If he absconded, a notice left at his "usual place of abode" was sufficient. If the justices, after inquiry, found that he was likely to be reduced to want and refused to submit to the overseer, they might appoint the overseer or some one else to care for him, his family, and his estate.[4] Such an overseer had duties similar to those of a conservator. The difference was that instead of being subject to a county court, he was appointed and removed by local authorities, filed inventories with the town clerk, and made his reports annually, or oftener if required, to the selectmen. He was apparently not required to furnish bonds. The only function of the county court was to hear appeals by those aggrieved by the action of selectmen or justices and to authorize the sale of real estate. If the person reformed, the justices might discontinue all action against him and order his property restored. If the office of overseer be-

[1] New. [2] 1838, 351, § 6. [3] *Ibid.*, §§ 6, 7. [4] *Ibid.*, § 7.

came vacant, the ward's disability continued for nine days, to give the selectmen opportunity to make another appointment.[1]

This marked the end of the power of selectmen personally to care for idle or wasteful persons or at once to take the most severe measures.

DECISIONS

In 1824 the supreme court declared that the statute for the appointment of overseers, being in derogation of common right, must be strictly construed.[2] While this was really a dictum, it expressed the purpose underlying all the decisions before 1838.

Thus, when selectmen, by virtue of the old statute, took under their care the property of a man but failed to post a certificate or to make and file the required inventory, their action was invalid and the person might, after demand and refusal, recover against them in trover.[3]

Similarly, the appointment of an overseer was invalid unless it was for a reasonable time expressly limited, although it need not terminate with the office of the selectmen who made the appointment.[4] Selectmen could not appoint an overseer for an insane person but could only have a conservator appointed by the county court.[5] While it seems to have been a dictum, yet the court stated in 1821

[1] 1838, 351, § 8. [2] Strong *v.* Birchard, 5 *Conn.*, 357.

[3] 1808, Knapp *v.* Lockwood, 3 *Day*, 131.

[4] 1814, Chalker *v.* Chalker, 1 *Conn.*, 79. The law then simply required the appointment to be "for such time or times as they" thought "proper." (1808, 384, § 8.) Not until 1821 was the limit of three years established.

[5] 1792, Petition of Ruth Butler, 1 *Root*, 426. *Vid.* chap. 4 for different decision.

that selectmen may not appoint an overseer over a person belonging to another town.[1]

While no person under an overseer may give a valid deed to his overseer,[2] yet if execution has been levied on land owned by him, he may, without the assent of the overseer, appoint appraisers, since this act is not forbidden by the law.[3]

Selectmen are liable for damages for appointing an overseer to a person without just cause or in an illegal manner.[4] "Where a valid appointment of an overseer is made from malice, and without probable cause, the law will imply damage"; but when it is void because made illegally, the *onus probandi* lies upon the plaintiff and he is not entitled to recover without showing special damage.[5]

Under the law before 1821 a man had from year to year been appointed by selectmen to manage the estate of an incompetent person. At the close of his term of service, he brought an action of *indebitatus assumpsit* against the selectmen for the expenses of law-suits and judgments incurred in the performance of his duties. The court *stated* that he was bound to prove a joint promise and then *decided* that certain evidence was inadmissible.[6]

7. SUPPORT OF WIDOW

No change whatever was made in the law by which the estate of a man dying without issue was chargeable with the support of his widow, in case she came to want and no person of ability was legally responsible for her.[7]

[1] Stratford *v.* Fairfield, 3 *Conn.*, 588.

[2] 1824, Weston *v.* Reading, 5 *Conn.*, 255. [3] 1824, *ante*, 5 *Conn.*, 357.

[4] 1795, Waters *v.* Waterman, 2 *Root*, 214; 1791, Johnson *v.* Stanley *et al.*, 1 *Root*, 245. [5] 1815, Parmalee *v.* Baldwin *et al.*, 1 *Conn.*, 313.

[6] 1812, Lockwood *v.* Smith *et al.*, 5 *Day*, 309.

[7] 1838, 353, § 10. Enforced like the duty of relative and limited by the amount of the estate.

8. INTEMPERANCE

A new preventive measure was included in the revision of 1821 [1] and modified two years later.[2] It was similar to a law of 1676, repealed in 1702, and was designed to prevent pauperism through intemperance. In its final form the law empowered any two of the civil authority to admonish any person in the town who, they believed, through intemperance was in danger of being reduced to want or was not caring for his family, and to forbid all liquor dealers to sell or deliver to him any spirituous liquors, unless on a written license from them, specifying the quantity. If this proved ineffective, it was their duty to have his name posted on the sign-posts in the town by a signed certificate, forbidding any one to furnish him with liquor. Any person in that town or any person in another town who knew that his name had been posted was to pay a fine of $7 for in any way, directly or indirectly, furnishing him with liquor. If the offender held a liquor license, the civil authority of his town were to revoke it. Any justice of the peace might decide cases arising under this act without appeal.[3]

9. SUPPORT OF SLAVES

It will be recalled that while in general masters were responsible for emancipated slaves who came to want, this responsibility might be escaped if they first got permission from the selectmen to emancipate them. By an act of 1792 [4] permission might be granted by two of the civil authority, or by one of them and two selectmen, to liberate a slave who was not less than twenty-five or more than forty-five years old, who was in good health, and who, they

[1] P. 297, § 1. [2] 1823, c. 22. [3] 1838, 384, § 1 *et seq.*
[4] *A. and L.*, 424.

were satisfied from personal examination, wished his freedom. If after examination the certificate was granted and recorded in the town records, together with the letter of emancipation, the master's responsibility ceased.[1] Otherwise, masters were obliged to aid their former slaves, and if they did not do it, their estates were liable for expenditures by selectmen necessitated by their neglect.[2]

In 1797 the age at which negro or mulatto children born after March 1, 1784, were to be released from servitude was reduced from twenty-five to twenty-one.[3] A statute of 1788 had required the recording of the name and age of every such slave within six months after the rising of that assembly or within six months after birth.[4] No further change was made before 1838.[5]

10. BASTARDY

The last topic under the head of preventive measures is that of bastardy. In the revision of 1821 there was a footnote reading: "The present statute is made conformable to the practical construction of the old statute."[6] In order to do this, the whole act was revised, and it will be best to summarize briefly the law then enacted. It will be noticed that no new principle was introduced but the procedure was defined.

Any woman who was pregnant with, or had been delivered of, a bastard, might exhibit to a justice of the peace where she lived a complaint on oath against the man she charged with being the father. The justice caused the man to be apprehended and brought before him. If, on

[1] 1838, 570, § 3. [2] *Ibid.*, §§ 1, 2. [3] *A. and L.*, 462. [4] *Ibid.*, 369.

[5] 1838, 570, §§ 1–3. The decisions bearing on this subject will be noted in connection with the responsibility of towns for poor relief.

[6] 1821, 93.

due inquiry, he found probable cause, he ordered him to become bound with surety to appear before the next county court and abide its order; and, on his failing to do it, committed him to jail. If the child was not born when the court met, a continuance of the case until the next term and the renewal of the bond, if necessary, might be ordered.[1]

If the woman remained constant in her accusation, being examined on oath and put to the discovery in the time of her travail, the court was to adjudge the defendant the putative father, unless, from the testimony adduced or otherwise, it was convinced that he was innocent. In that case he might recover costs. If adjudged guilty, the court ordered him to stand charged with the maintenance of the child, with the assistance of the mother, and to pay a certain weekly sum for such time as the judge deemed proper. The clerk of the court issued execution for this quarterly. He also issued [2] execution for one-half the cost of lying-in and nursing the child until the judgment, as ascertained by the court, and for the lawful cost of the suit. The court might also order him to become bound with surety to perform its order and to indemnify the town for any expense incurred for the child. If he failed to do this, he was committed to jail until he complied.[3]

If it appeared [2] that the mother did not apply the weekly allowance to the support of the child and that the latter had become or was likely to become chargeable, the court might order the allowance paid to the selectmen and have execution issued in their favor.[3]

If the mother neglected to bring a suit or failed to prosecute it to final judgment, the town interested might, through its selectmen, institute or take up and pursue such suit, unless sufficient security had been offered to save it from

[1] 1838, 99, § 1. [2] New. [3] *Ibid.*

expense. A bond given by the defendant in favor of the complainant had the same effect as if given to the town. If in such a suit the court found the defendant guilty, it ordered him to pay costs and to give bond with surety to indemnify the town for all expense.[1] If no bond was given, the guilty party might be imprisoned as in a suit by the mother.[2]

All suits had to be brought within three years from the birth of the bastard, except that the time the person accused was absent from the state was not counted.[3] By an act of 1838 the trial of the question of fact under the bastardy act might, at the desire of either party, be by jury.[4]

These provisions were supplemented by three sections of the criminal law, which dealt with attempts to produce miscarriages, with secret deliveries, and with concealing the death of bastards.

The penalty for attempting to produce a miscarriage or to destroy an unborn child was imprisonment in the state prison for not less than seven or more than ten years.[5]

A woman who concealed her pregnancy or was willingly delivered in secret by herself of a bastard, was to be fined not more than $150 or be confined in the common jail not exceeding three months.[6]

For concealing the death of a bastard, the mother was to be fined not more than $300, be bound to good behavior, and be imprisoned in jail for not more than one year.[7]

[1] The court was not authorized upon such a suit to order a weekly allowance. *Cf.* 1828, Seymour *v.* Belden, 28 *Conn.*, 443.

[2] 1838, 99, § 2. [3] *Ibid.*, § 3. [4] 1838, 140, § 3.

[5] 1830, c. 1, § 16; 1838, 145, § 15. The statute of 1821 (152, § 14), the first on this subject, had made the penalty imprisonment in New-Gate Prison for life, or for a less term at the discretion of the court.

[6] 1808, *A. and L.*, 808, par. 1; 1838, 146, § 16.

[7] 1830, c. 1, § 18; 1838, 146, § 17. This section was equivalent to

The penalty for fornication between a man and a single woman was made a fine of $7 or imprisonment for not more than thirty days.[1]

DECISIONS

Numerous interpretations of these laws were given during the period.

A proceeding for the maintenance of a bastard is a civil suit,[2] though criminal in form.[3] Still, the only remedy for a town, and its proper remedy, against a putative father is by complaint and warrant.[4] Because of the nature of the process, a minor's suit must be by guardian or next friend.[5] The superior court in 1790, Chief Justice Root dissenting, held that a husband cannot join his wife in a prosecution for the maintenance of a child born before their intermarriage. Hence, as a *feme covert* cannot sue, the mother is without remedy.[6]

Unless the proceedings rest upon common law, it need not be averred that the act complained of is *contra formam statuti,* and a prayer that the defendant be dealt with as by the statute in such case made and provided is equivalent

par. 2 of the law of 1808 just cited, which in turn was a substitute for the old law of 1702, already described. This had declared a woman who concealed the death of her illegitimate child guilty of murder, unless she could prove that it was born dead. The change was made in 1808 because, as explained in the revision of 1821 (p. 153, note), "there was a possibility, that, in some cases, an innocent woman might be convicted under such a law." From 1808 to 1838, in place of a fine, she was "set on a gallows with a rope about her neck for the space of one hour." From 1808 to 1821 the term of imprisonment was not specified.

[1] 1830, c. 1, § 79; 1838, 161, § 78.

[2] 1817, Hinman *v.* Taylor, 2 *Conn.*, 357.

[3] 1885, Naugatuck *v.* Smith, 53 *Conn.*, 523; *cf.* 1896, 68 *Conn.*, 39.

[4] 1828, Hopkins *v.* Plainfield, 7 *Conn.*, 286.

[5] 1817, *ante*, 2 *Conn.*, 357. [6] Cheesborough *v.* Baldwin, 1 *Root*, 229.

to an averment that the complaint is instituted under the statute.[1] In a suit begun by a town, the averment that the child is a settled inhabitant there and likely to become chargeable thereto, and that no bond or security has been given to indemnify the town for expense, is sufficient to show the interest of the town in the support of the child.[2] In a suit by a town, the averment that the mother neglected to bring forward her suit and prosecute it to final judgment, is sufficient to show her failure to bring suit, which is required before a town may sue.[3]

In a suit by a town, the complaint is good if it is supported on oath by one of the selectmen. He is also a competent witness.[4] The complaint may be made to a justice of the peace in the town interested.[5] Before 1821 the hearing might be before another justice than the one who issued the warrant. That revision changed this, and in a suit instituted by the mother the justice issuing the warrant had to examine and bind over.[6] A suit by a town, on a recognizance given in bastardy proceedings, which the mother failed to prosecute, must be in the name of the town by the selectmen as its agents, not in the names of the selectmen. This holds of a suit by a town for maintenance under like conditions.[7] On a complaint by a town, the mother need not be examined in the time of travail and may be compelled to testify.[8] But she need not be called as a witness even though she is present in court and the

[1] 1828, *ante*, 7 *Conn.*, 286. [2] *Ibid.*

[3] 1824, Fuller *v.* Hampton, 5 *Conn.*, 416; 1825, Chaplin *v.* Hartshorne, 6 *Conn.*, 41.

[4] *Ibid.* [5] 1804, Davis *v.* Salisbury, 1 *Day*, 278.

[6] 1828, *ante*, 7 *Conn.*, 286.

[7] 1817, Hollister *v.* White *et al.*, 2 *Conn.*, 338.

[8] 1804, *ante*, 1 *Day*, 278.

town may substantiate the facts charged by common law evidence.[1]

The deposition of a deceased mother, taken before the suit but without notice to the defendant, is inadmissible.[2]

As it must appear that the child is born, the justice is required, if necessary, to order a continuance.[3] The mother cannot recover under the statute unless she charged the man in the time of travail.[4] In 1791 the superior court is claimed to have held that though the defendant did not appear, the mother must be examined on oath.[5] The mother is a competent witness to contradict testimony that she had denied the defendant to be the father of the child.[6] As rebuttal to evidence impeaching her character, testimony is admissible that the defendant offered to pay towards her support, if she would not sue. It is not exceptionable as relating to negotiations by the defendant to buy his peace.[7]

If a defendant pleads not guilty before a justice, he may be bound over on a finding of guilty, as this includes the finding of probable cause.[8] If issue be joined on the plea of "not guilty" and the court finds him "guilty," this is a sufficient finding of the facts charged in the complaint.[9] A finding that the defendant is guilty of begetting the child as set forth in the complaint, is sufficient without his being expressly adjudged to be the putative father.[10] But it is

[1] 1825, *ante*, 6 *Conn.*, 41. [2] 1790, McDonald *v.* Hobby *et al.*, 1 *Root*, 154.

[3] 1791, Penfield *v.* Norton, 1 *Root*, 345.

[4] 1788, Hitchcock *v.* Grant, 1 *Root*, 107; 1796, Warner *v.* Willey, 2 *Root*, 490. This no longer holds under the revision of 1902.

[5] 1791, *ante*, 1 *Root*, 345. This was one of the three errors assigned. The court ordered a new trial on the basis of the first, while the other two, the one in question being the second, are not mentioned in the report as having been decided.

[6] 1823, Judson *v.* Blanchard, 4 *Conn.*, 557.

[7] 1824, *ante*, 5 *Conn.*, 416. [8] 1828, *ante*, 7 *Conn.*, 286.

[9] 1824, *ante*, 5 *Conn.*, 416. [10] 1817, Comstock *v.* Weed, 2 *Conn.*, 155.

not sufficient for the court to find that the facts are alleged and that therefore the court do adjudge him guilty; it must state that the facts were found true.[1]

The order for maintenance must be for a time certain, not during the pleasure of the court.[2] In a judgment in favor of a town, the bond must likewise be in a sum certain.[3] The order of a court directing the clerk to issue execution quarterly, under a decree for the maintenance of a bastard, is not erroneous, even though the court neglected to have the defendant give security to comply with the judgment, as required by statute.[4] While the bond to a town is to be given payable to the town, one given to the town treasurer is in law a bond to the town, and hence is not pleadable in abatement.[5]

Maintenance includes all the lying-in expenses, or the necessary expenses incurred by the mother at the birth of the child and during her subsequent sickness. This may cover the cost of a nurse and of clothing.[6] If a female gives a discharge of all demands for the maintenance of a bastard of which she is pregnant, and it afterwards turns out that she was pregnant with two, the discharge will bar her remedy.[7]

In a case where the defendant suffered default and a judgment was rendered for maintenance, but *non est inventus* was returned upon the execution, the bail of the defendant for his appearance and abiding the order of the court is responsible for one year after the date when the last quarterly payment was to be made.[8]

[1] 1821, Judson *v.* Blanchard, 3 *Conn.*, 579.

[2] 1790, *ante*, 1 *Root*, 229; 1797, Benedict *v.* Roberts, 2 *Root*, 496.

[3] *Ibid.*, 2 *Root*, 496.

[4] 1815, Bennett *v.* Hall, 1 *Conn.*, 417. [5] 1828, *ante*, 7 *Conn.*, 286.

[6] 1817, *ante*, 2 *Conn.*, 155; 1823, *idem.*, 4 *Conn.*, 557.

[7] 1791, Spalding *v.* Fitch, 1 *Root*, 319.

[8] 1787, Harris and Wife *v.* Thomas, *Kirby*, 267. One year was then the time within which action upon a bail bond had to be commenced.

This completes our consideration of preventive measures. The next topic is that of methods of poor relief.

III. Methods of Relief

It will be recalled that during the late colonial period the colony assumed responsibility for those without settlements. In the period 1784-1838 this was strictly limited, the serious lack of a requirement that relief be given by the town of residence pending provision by the town or party responsible was supplied, there was a thorough restatement of the laws to secure a clearer definition of responsibility, and new means of caring for the poor were authorized. Except as otherwise noted, the changes date from the revision of 1821.

1. Relief by Towns and State

During the colonial period the laws did not specify how aid should be given, though the method used was apparently what is now called outdoor relief, aid given to people outside of the almshouse. In 1785, upon the memorial of its inhabitants, the assembly authorized Hartford "to build an almshouse in said town for the support of the poor of said town and at all times hereafter to appropriate the public monies of said town and to levy and collect taxes for the purpose of erecting, repairing, enlarging, and supporting the same as they shall judge expedient." The selectmen were to appoint overseers and other necessary officers and make needful regulations for "governing the same and for supporting the poor of said town therein as may be expedient for answering the purposes of its institution and not repugnant to the laws of this state." [1]

[1] *MSS. State Rec.*, iii, May, 1785, 61. The twenty acres on the east side of the river, set aside in 1640(1) by Hartford for supporting their poor, had long been in another town.

In 1813 [1] the separate towns, or any two or more towns by agents appointed for that purpose, were empowered to establish asylums or almshouses "for the admission of such town poor and destitute persons" as might be judged proper. The by-laws framed by the towns for admitting and governing the inmates might be repealed by the superior court if "deemed unreasonable or unjust." [2]

The responsibilities of towns and state were carefully defined. Each town was still obliged to support its needy inhabitants, with the clause added, "whether residing in it, or in any other town in the state," provided they had no estate sufficient for their support or relatives of ability who might legally be compelled to assume the burden.[3] By the revision of 1821 [4] each was also made responsible for any former inhabitant who, having lost his settlement by acquiring one in another state, returned to Connecticut and came to want.[5] Mention has been made elsewhere of a town's obligation to care for a resident without a settlement in Connecticut, who had supported himself there for six years without becoming chargeable.[6]

After 1821 [7] paupers might be removed to any place designated by the town or selectmen for their support and were subject to the orders of the selectmen or of the persons contracted with to support them.[8]

There were thus three legal methods of relief, in one's own home, in the almshouse or other place designated by the town, or by the contractor for the town poor. No limits were placed upon the authority of the town to make such contracts and no security had to be taken to secure adequate provision for the paupers' wants. In fact, there

[1] C. 13 (May). [2] 1838, 365, § 8. [3] 1838, 363, § 2.
[4] P. 371, [5] 1838, 365, § 7.
[6] 1812, Oct., c. 19; 1838, 367, § 4. [7] P. 370, § 4. [8] 1838, 364, § 4.

was no direct authorization of the contract system. It was simply referred to as existing. Not until within recent years did the glaring abuses which had come in under it lead to its regulation or suppression.

The selectmen were overseers of the poor and furnished town paupers with the supplies needed, drawing orders upon the town treasurer in payment. They rendered accounts to the town when so required.[1] After the revision of 1821 there was no limit on the amount they might expend for town paupers.

Before 1818 they were not required to care for needy residents who belonged elsewhere unless they were ill. Because there was no legal provision for such, the custom had grown up of individuals' furnishing the relief and charging the cost either to the town of residence or to the town of settlement. "If remuneration was refused, on proving, to the satisfaction of the [superior] court, that the relief furnished was necessary and proper, he was entitled to recover." [2] To substitute a legal for this extra-legal method, though repeatedly approved by the superior court, an act was passed in 1818.

If a person came to want away from the town of his settlement or stated residence, the one with whom he was staying was directed, within five days, to notify a selectman. The town of settlement was not liable until this notice was given to the town of residence. Selectmen were required to furnish "immediate and necessary support" to any person, not an inhabitant of their town, who became poor and unable to support and provide for himself, and, if known, to give information as soon as possible to the town where the person belonged. As responsibility was thus largely taken from charitable individuals and placed upon

[1] 1838, 364, § 3.

[2] *Vid.* 6 *Conn.*, 72.

selectmen, who had often proved neglectful, a fine of $7 was imposed on any selectman who, after being notified, failed to give the help needed and to send word to the town where the person belonged. Half the fine went to the prosecutor and half to the town.[1]

The revisions of 1821 and 1838 retained the substance of this law, with changes in phraseology and details. No person had any claim against a town for supplies furnished a pauper against the express direction of the selectmen or before he had notified one of them of the pauper's condition. All destitute persons were still to be relieved by selectmen under penalty of a fine of $7 payable to the prosecutor.[2] The requirement read that they "furnish such pauper, such support as may be necessary, as soon as the condition of such pauper shall come to their knowledge."[3] This insured immediate care for those in need and prevented neglect before those legally responsible began to assist.

Reimbursements by towns for aid furnished their paupers were further regulated by the revision of 1821. No claim was valid unless the selectmen gave notice of the pauper's condition to the selectmen of the town responsible within five days of their learning its name, if it was within twenty miles, and in other cases within fifteen days. A letter stating the name of the pauper and that he was chargeable, signed by a selectman, and directed to the selectmen of the town of settlement at the nearest postoffice, was sufficient evidence that notice was given at the time when the letter would reach its destination in the usual course of the

[1] 1818, May, c. 4.

[2] There was no penalty for failure to care for the paupers of their own town.

[3] 1838, 364, §§ 4, 5.

mails; or actual notice in writing sent in any other way was sufficient. If the selectmen knew where the pauper belonged and failed to send the notice, its only valid claim was for expenses incurred within the time specified for giving the notice. No town was ever to pay for paupers at a greater rate than $1 a week in lieu of all expenses. A town might recover from the town responsible by an action at common law.[1]

While relief had to be given to all in need, whether they were inhabitants of Connecticut or not, the requirement regarding notices and reimbursements, of course, applied only to inhabitants of Connecticut towns. In regard to these one other course was open. The selectmen might apply to the civil authority of the town and have them or a majority of them issue a warrant to a constable to convey the persons to the town of settlement.[2] As they would have to pay the expense of removal, they were unlikely to do this. Similarly, the other town might request any two of the civil authority to issue a warrant ordering a constable to bring the paupers back.[3] That is, the paupers might be returned to the town of settlement at the instance of either town interested.

An act passed in 1828[4] required selectmen, in case a pauper belonging to another town died, to give him "a decent burial" and recover from the town of settlement the expense, not exceeding $6.[5] No provision was made for the burial of those without a settlement in the state.

In addition to the duty of caring permanently for the town's paupers, of relieving and securing support for those belonging to other Connecticut towns, of providing by removal or care for state paupers after a certain period, in

[1] 1838, 364, §§ 5, 6. [2] 1838, 360, §§ 4, 6. [3] *Ibid.*, § 5.
[4] C. 25. [5] 1838, 365.

the manner explained later, and of giving relief to all needy residents until they should be removed, selectmen were also required to care for any residents, in poverty, who had resided in the town for six years. This has been mentioned in another connection but the section should be quoted at this point:

> If any town shall incur any expense, in relieving and supporting a person not an inhabitant of any town in this state, and who has had his home, and resided in any town in this state, during the six years next preceding the time of incurring such expense, without being chargeable to the state, such expense shall not be reimbursed from the treasury of the state, but shall be defrayed by the town in which such residence shall have been last had, at the time of affording the relief.[1]

Such persons could not be removed from the town where they had last resided for this term.

OBLIGATION OF STATE

Before 1784 the colony had assumed the obligation to support all paupers without settlements in Connecticut. They continued to do so until 1820. The reason for then limiting this liability may probably be inferred from a law passed in the October session, 1818. This made it the duty of the comptroller of public accounts, who since 1799[2] had approved all claims for the support of state paupers, before giving his approval, to demand proof of their justice. He was forbidden to pay more than the sum actually expended by the town or more than he deemed necessary and just, "if, in the opinion of the comptroller, an unnecessary ex-

[1] 1838, 367, § 4.

[2] *A. and L.*, 507. Before 1799 the governor and council had paid them.

pense hath been incurred." [1] Evidently the charges for this purpose were increasing and it was suspected, if not known, that the towns were presenting extravagant claims, not to say expending unnecessary amounts, because they thought the state could easily pay the bills. It was, therefore, in the interests of economy, apparently, that the state went back in the direction of the fundamental principle of town aid.

Thus, in 1820 it was enacted that in no case should the state reimburse a town for the support of a pauper who had been born in Connecticut or in an adjoining state, or of one who had ever been an inhabitant of any Connecticut town.[2] Neither might a town recover for the support of any one for whom any individual or town was responsible. The state was not liable for more than $1 a week for each pauper over fourteen years of age and 50 cents for each child under that age.[3]

The comptroller was empowered to contract with any person or persons, for not more than five years, for the relief and support of the state paupers "on the best terms, not exceeding the sums specified." The contractor was to be paid every six months, was required to give bonds with surety that the persons in his care should "be treated with humanity, and . . . have a competent supply of food, and decent and comfortable clothing, and all necessary medical aid, and physick in time of sickness." The comptroller was authorized, at his discretion, to have all or any part of the state paupers supported by any town removed and placed with the contractor, "to adjust all demands . . . and to draw orders on the treasurer for the payment of the same." [4]

[1] 1818, Oct., c. 3.

[2] Hence the revisers of 1821 put the burden upon the town of former settlement.

[3] 1820, c. 34, §§ 1, 2.

[4] *Ibid.*, §§ 3, 4.

This law was not changed during the period.[1] Thus began the system of caring for the state poor by contract with the lowest bidder, a system which has continued to the present day and has not at all times, to say the least, reflected credit upon the state.

There were other safeguards. One has already been considered under the laws of settlement. The state was liable for a person without a Connecticut settlement only during the first three months of his residence in a town and if he had been warned to depart; except that if an illness, which had begun within the three months, continued longer and rendered his safe removal impossible, the state continued its support until he recovered. After that the town must bear the expense or have him removed.[2] If he went later to another town and became sick and indigent, the state was apparently responsible for another like period. At a later time this contingency was provided against.

Moreover, the revision of 1821 [3] prescribed strict rules for the settlement of these accounts. They were to be adjusted by the comptroller upon application of selectmen. He was forbidden to approve them and draw upon the treasurer unless the justness of the account was verified on oath by a majority of the selectmen and certified by a justice of the peace. The selectmen were also required to lodge with the comptroller a certificate, subscribed and sworn to, stating as far as they knew when and from where the person came into the state and into the town, whether any other town or individual was liable for his support, when he was warned to depart, and that the expense "was incurred for sickness or lameness, which happened within the first three months" from his arrival, or because of serious illness which commenced within that time. The comp-

[1] 1838, 366, §§ 1, 2, 9, 10. [2] *Ibid.*, §§ 3, 5. [3] P. 372, §§ 6–8.

troller might demand further proof or reject any claims, and was required to report to the general assembly at each session the names of the beneficiaries and towns and the amounts paid for relief. He was also "to devise and make known to the selectmen . . . the requisite forms" for "proofs and exhibits." [1]

By an act of 1837,[2] selectmen were required to give immediate notice to the comptroller whenever they learned that a pauper for whom the state was responsible was in want. The town was not entitled to reimbursement until a week had elapsed from the time the notice was given or a letter mailed to the comptroller.[3] This gave him time to remove the pauper to the care of the contractor, if he so desired.

This seems to have been the system of state aid in 1838. Yet it must be confessed that there was some ambiguity in the laws, an ambiguity which has remained until the present.

For instance, for whom was the state responsible,—only for sick, unsettled persons? Apparently. The state treasurer paid claims for state paupers only upon the order of the comptroller, and this official was forbidden to allow a claim save on a certificate that the cause of the need was sickness. To be sure, the law of 1837 just cited and one section of the revision of 1821 speak of those reduced to want "by sickness or other cause," while another section of the revision speaks of "sickness or lameness." These are hardly synonymous, and yet I think the state was liable only for those in need because of physical or mental infirmity, comprehended under the term "sickness."

In 1784 the state aided unsettled persons under three statutes, one for the care of those mentally defective, one to prevent the spread of contagion, and the old three months'

[1] 1838, 368, §§ 6–8. [2] 1836–37, c. 89. [3] 1838, 369.

law. The first had been made to include all in need, whatever the cause, and there was no specification as to who should approve the bills for unsettled persons under it. In 1821 this law was restricted to its original purpose and only the insane came within its provisions. Before 1784 the sickness law had also been broadened to include all sick persons, and in 1799 the comptroller was made auditor for charges for state paupers under it. Like the other law, this was, in 1821, restored to its former function. The old three months' law, somewhat lessened in scope, was made the basis of the new statute. The aim was to force each town to get rid of needy persons not belonging there. Thus, in 1820 the state had refused longer to aid those born in Connecticut or an adjoining state, for they might easily be sent back. In fact, so long as towns might remove all paupers not belonging in Connecticut, the only ones who could not be safely sent away were the sick, and if the town had done its duty, the state willingly cared for these, not only during the first three months of their residence, but after that if they had become ill within that time. In other words, they gave the town three months in which to find out whether the stranger was likely to become a pauper and to warn him to leave. If they did not get rid of him or warn him within that time, they were to take the consequences. For it is to be remembered that the only ones the state ever aided were those not settled in Connecticut, and these might be removed within six years. At the same time towns were obliged to relieve all needy residents, wherever they belonged.

The phrasing, too, of the law regarding a six years' residence was unfortunate, for it seemed to imply that a man might be a pauper in one town and have resided in another town for the preceding six years. The intention, however,

was clear enough, and one must look elsewhere than in Connecticut statutes for models of clearness.

With the introduction in 1821 of a comprehensive system of poor relief, the statute relating to sickness, as already noted, was restricted to its original purpose. The selectmen in each town were constituted a board of health and rules were laid down to prevent the spread of contagion. The law no longer applied to other cases.

This period saw the establishment of the first public hospital. In 1826 a charter was granted to the General Hospital Society of Connecticut to establish and maintain "a general hospital in the city of New Haven." The hospital was to be a charitable institution and patients belonging to Connecticut were in all cases to be preferred. A contribution of $100 gave to a donor, whether a town, individual, or body of individuals, the right of naming at any one time one indigent person to have the benefits of the hospital free from expense six weeks during the year.[1] No appropriation was at that time made for the hospital, and no other hospital was chartered until after 1838.

DECISIONS

The decisions of the period define the responsibility of towns and the duties of town officers.

A town is not responsible for a pauper belonging to another town when the latter has provided suitable relief for him which he has refused. If it still furnishes support, there is no recovery.[2]

A town containing a jail is not responsible to the jailer for a destitute, transient person confined therein.[3] Neither is the town from which such a person was committed,

[1] 1826, c. 18. [2] 1821, Backus *v.* Dudley *et al.*, 3 *Conn.*, 568.
[3] 1823, Tyler *v.* Brooklyn, 5 *Conn.*, 185.

though it is liable for the costs of prosecution, which are taxable.[1]

A town is not responsible for one of its own inhabitants who possesses property which might have been used for his support, even though the individual furnishing relief had no access to it.[2] The question is whether a person really needs relief, and this includes a consideration whether the person chargeable is capable of giving support.[3] Nor is a town responsible for relief furnished to one of its inhabitants residing in another town by an individual there, unless he gave notice of the pauper's condition to the selectmen of the town of residence.[4]

The defect in a declaration due to a failure to aver a notice, in *assumpsit* by an individual against a town, is cured by the verdict.[5]

Under the law regarding slaves, by which a town might, by an action of debt, recover from the master of a liberated slave for support furnished to him, unless he had been freed on a certificate, there was no recovery for the care of a slave who was simply allowed to go free but was not emancipated.[6] On the other hand, a town was responsible

[1] 1829, Norwich *v.* Hyde, 7 *Conn.*, 529. These two decisions were based upon the law that a prisoner was responsible for his own support while in jail. This was limited by 1816, May, c. 7, § 1.

[2] 1823, Stewart *v.* Sherman, 4 *Conn.*, 553; 1824, *idem*, 5 *Conn.*, 244.

[3] 1821, Newtown *v.* Danbury, 3 *Conn.*, 553; *cf.* 1831, East Hartford *v.* Pitkin *et al.*, 8 *Conn.*, 393.

[4] 1825, Kent *v.* Chaplin, 6 *Conn.*, 72. True only after 1821.

[5] 1803, Spencer *v.* Overton, 1 *Day*, 183.

[6] 1820, Columbia *v.* Williams, 3 *Conn.*, 467. The court declared that as the law was based on the obligation to relieve settled persons, such a slave, being without a settlement, did not fall within the statute. The plaintiff town, which had given the aid, was the town of residence, not of settlement. The slave belonged in Groton, where the master had been settled. The aid had been given from July 6, 1817, to Jan. 17,

for a slave belonging there who was neglected by the representatives of his deceased master. It was held to be questionable whether the town might recover from the executors, as the claim was not a debt due at the deceased's death.[1]

In regard to removals, decisions have already been cited in connection with the laws of settlement. In addition, the court has raised the question whether in any case selectmen may forcibly remove a pauper to his town except by legal warrant.[2]

In the matter of the required notice by selectmen to the selectmen of the town where a pauper belongs, the court holds that while the mailing of a letter containing the notice is sufficient evidence that notice was given, the fact of putting the letter into the mail is to be proved and is open for examination like any other fact.[3]

The law regarding the notification of the town of settlement and its liability for support furnished was first interpreted in 1822. It was decided that the town which had notified the town of settlement and requested the removal of the paupers might recover for the support furnished, without proving an actual request or express promise on the part of the defendants.[4] Even earlier this principle had been virtually established. In 1821 it had been held that reasonable notice and demand are sufficient to establish a claim against a town, and there is no need of exhibiting an account of all the advancements made previous to the commencement of the action.[5] A denial that a town is responsible is equivalent to a waiver of the particular notice.[6]

1819. Whatever the settlement, it would appear that after the act of 1818 became effective, the town of residence was required to give the relief.

[1] 1831, *ante*, 8 *Conn.*, 393. [2] 1821, *ante*, 3 *Conn.*, 568.

[3] 1828, Litchfield *v.* Farmington, 7 *Conn.*, 100.

[4] Goshen *v.* Stonington, 4 *Conn.*, 209. [5] 1821, *ante*, 3 *Conn.*, 553.

[6] *Ibid.*; *cf.* 1821, Stratford *v.* Fairfield, 3 *Conn.*, 588.

In an early decision it was held that in an action of *indebitatus assumpsit* in favor of one town against another for supporting a pauper, the selectmen may be admitted to prove the advancements.[1]

Selectmen are not authorized by virtue of their office merely to settle the claims of the town,[2] nor to submit to arbitrament a question regarding the settlement of a pauper which involves the right or liability of the town.[3] At some time before 1814, on the petition of selectmen as individuals for permission to sell the estate of an insane person and use the proceeds for her support, the general assembly authorized the sale, and directed them, in case of her decease, to account to her legal representatives for any unexpended portion. Under such circumstances no liability rested upon the town or upon the successors in office of the selectmen, but the petitioning selectmen themselves were individually liable to account to the administrators of the estate.[4]

2. EXEMPTION FROM TAXES

Other methods of poor relief became steadily of less importance. A few abatements of taxes for towns and individuals, growing out of losses incurred in the Revolutionary War, were granted in the first few years of the period.

A few changes were made in the laws for abating the taxes of the poor. In May, 1793,[5] the authority to exempt persons from the poll-tax was conferred upon the civil authority, selectmen, and listers (assessors) of the towns, but they were not permitted to exempt more than one-tenth of the taxable polls. In 1819[6] it was transferred to the

[1] 1796, Salisbury *v.* Harwinton, 2 *Root*, 435.
[2] 1806, Leavenworth *v.* Kingsbury, 2 *Day*, 323.
[3] 1824, Griswold *v.* North Stonington, 5 *Conn.*, 367.
[4] 1814, Holly *v.* Lockwood, 1 *Conn.*, 180.
[5] *A. and L.*, 463. [6] C. 2, § 17.

assessors and board of relief, who might abate the poll-tax of the infirm, sick, and disabled, not exceeding one-tenth of the taxable polls. This remained the law in 1838.[1] Meantime the value of the poll was reduced from $60 in 1796[2] to $20 after 1826.[3]

Regarding other taxes, it will be recalled that the revision of 1784 permitted a majority of the selectmen, with the advice of an assistant or justice, to abate the taxes of those who were poor and unable to pay. That this power antedated the revision may be inferred from a decision of the supreme court delivered in 1816,[4] in passing upon a statute of 1785, to be given presently. The decision stated:

> Proir to the passing of this statute the civil authority and selectmen had a discretionary power to abate taxes due to the state from towns. The exercise of such a discretion by so many different tribunals produced so much inequality among the towns, and opened the door to such abuse, that the legislature found it necessary . . . to limit the towns to a certain sum, and to render them responsible for the residue, whether collected or not.

The new statute read:

> That on all warrants to be issued hereafter by the treasurer of this state for collecting of taxes, there shall be allowed to the several towns . . . , an abatement of one-eighth part of the true list of said towns respectively, which eighth part the civil authority and selectmen . . . are hereby impowered to apply to the relief of the indigent in the abatement of their particular rates, in whole or in part, in such way and manner as they shall judge most proper, just and reasonable; and that no other or further abatement shall be allowed in settlement of said taxes with the treasurer, to the respective towns or collectors.[5]

[1] P. 599, par. 4. [2] P. 277. [3] C. 5; 1838, 599, par. 4.
[4] 1 *Conn.*, 460. [5] *A. and L.*, 324.

This method, it will be recalled, was used during the Revolutionary War, it being customary to allow not more than one-twentieth of the tax to be abated for the benefit of the indigent.

In the case from which we quoted, the court held that this abatement was absolute; that the state had no right to the one-eighth even though it had not been necessary to use it all in abating taxes.[1] To prevent the interest of the state from being thus sacrificed for that of the towns, the revision of 1821 [2] provided that the abatement might be granted only upon the certificate of the local officials. The phrasing of the law was not perfectly clear, but the intent evidently was that any sum, not exceeding one-eighth,[3] should be credited to the town collector on the certificate that such amount had been actually abated, and that all else, seven-eighths or more, as the case might be, must be paid to the state. This was the law in 1838.[4]

In 1823 [5] all duties in this matter were taken from the civil authority and selectmen were given full authority to make the abatement of state taxes up to the limit allowed, and to abate town taxes for those unable to pay.[6] These latter abatements were to be reported at the annual town meeting. After the law of 1831,[7] cited in another connection, was passed, this annual report was no longer submitted, as the abatements were otherwise recorded. Apparently selectmen might abate state taxes for

[1] A town had sued the collector, on his note, for the difference between the one-eighth and the amount actually abated, and the court decided that it could recover, even though the selectmen and civil authority gave to the collector a certificate addressed to the state treasurer declaring that they had abated the full amount. Strong *v.* Wright, 1 *Conn.*, 459.

[2] P. 453, § 11. [3] 1819, c. 2, § 22, had made the fraction one-tenth.

[4] P. 615, § 11. [5] C. 13. [6] 1838, 619. [7] C. 29.

more than the one-eighth allowed, provided the town made up its state tax from the town levy.[1]

4. LEVY OF TAXES

Selectmen retained the authority to levy taxes for any expenses of the towns, in case the inhabitants, after the matter had been laid before them, failed to lay the tax. This, of course, included the expense of caring for the poor.[2]

5. REGULATION OF BRIEFS

The revision of 1821 retained the chapter on briefs, with the power to grant them vested in the governor, but it was repealed in 1825.[3]

IV. Special Legislation

The last general topic is that of special legislation.

1. VAGRANCY

It will be recalled that the important event of the later colonial period was the establishment of a workhouse system, by which a differentiation was made between the true pauper and the beggar or tramp. The colonial laws on this subject continued in force during the period 1784-1838, though various changes were made.

The first and most important change was from a county to a town system. As early as 1785 authority was granted to New Haven to establish a workhouse and to make all necessary by-laws.[4] In 1792 these were made subject to repeal by the superior court of the county.[5] In 1795 similar authority was given to Norwich, followed before 1813 by grants to seven other towns, while in 1807 four towns in Fairfield county[6] were authorized to erect a union workhouse. A law was passed in 1829 to enable Fairfield

[1] 1838, 615, § 12. [2] 1838, 623, § 9. [3] C. 12. [4] *A. and L.*, 335.
[5] *Ibid.*, 426. [6] Fairfield, Norwalk, Weston, and Wilton.

county to build a county workhouse, but it was repealed the following year.[1]

Before this, in 1813, the special town acts were superseded by a general statute,[2] by which each of the towns individually, or any two or more towns jointly,[3] by agents appointed for that purpose, might erect workhouses and frame all necessary by-laws and regulations, subject to repeal by the superior court. The revision of 1821[4] substituted "towns" for "counties" in the sections regarding workhouses.[5] It made the selectmen overseers of the workhouses and required of them visits at least once in three months to see that the law was executed and the prisoners properly cared for by the masters, whom they appointed and removed.[6]

As under the former law, the master was to receive those committed by lawful authority and to keep them at such labor as they were able to perform during their term. Instead of using corporal punishment and "abridging" their food, he might place refractory inmates in close confinement or, "in case of great obstinacy and perverseness, . . . reduce them to bread and water." He had full authority to retake and bring back escaped inmates and to place them in fetters, shackles, or close confinement, but not to whip them. For each escape one month was added to the term of confinement.[7] He was to render his account of the expense of the workhouse and of the labor and earnings of the prisoners at least once in six months.[8]

The expense of supporting prisoners was to be borne

[1] *Private Laws*, ii, 1520 *et seq.*

[2] 1813, May, c. 19; passed at the same session which authorized almshouses.

[3] *Cf.* 1838, 658, § 9. [4] P. 480 *et seq.*

[5] The revisers stated that no county had a workhouse. 1821, 482, note.

[6] 1838, 656, § 2. [7] *Ibid.*, §§ 3, 4. [8] *Ibid.*, § 5.

by the town. It was hoped that this would be reimbursed from their earnings, but if these proved insufficient, the town was responsible. If an inmate had property, any deficit was to be made up from his estate, while masters and parents of children or apprentices, if able, were to make good any loss on their account. If any one earned more than the cost of his prosecution and support, the surplus was to be paid to him or was to be used for the benefit of his family, if necessary. Those unable to work were to be cared for at the expense of their estate or town. If any one reformed, he might be released by the committing authority before the end of his term, upon the certificate of the keeper and overseers. Males and females were to be confined separately, and no liquors were to be sold to prisoners.[1]

The revisions of 1821 and 1838 more sharply differentiated those who might be sentenced to workhouses. The fourteen classes mentioned in section seven really come under four heads: (1) beggars and vagrants, (2) those who desert or fail to support their families, (3) fakirs, (4) prostitutes and drunkards. Commitments might be made by justices of the peace on the written complaint of grand jurors, constables, or "any substantial householder." Sentences were limited to forty days, and on a second conviction for the same offense to "additional time . . . not exceeding forty days."[2] Besides these offenders, the law relating to the education and government of children allowed the sentence to a workhouse for not more than thirty days of stubborn and rebellious minors.[3] With this exception, those who might be confined were a fairly distinct class, very different from the conglomerate of the earlier period. The insane had been excluded in 1793.[4]

[1] 1838, 657, §§ 5, 6. [2] *Ibid.*, §§ 7, 8. [3] 1838, 105, § 3.
[4] *A. and L.*, 468.

On the other hand, by an act of 1830,[1] a justice of the peace before whom an offender was convicted of a crime punishable by confinement in jail, might, "at his discretion, . . . punish such offender by imprisonment in a workhouse, or house of correction, of the town wherein such conviction is had, or in which such town may have the right to confine delinquents, for a term not exceeding ninety days." When a justice might commit for non-payment of fine or costs, he might commit either to the jail or to the workhouse.[2]

One other unusual provision should be mentioned. This directed that any woman convicted of a crime punishable with imprisonment in New-Gate Prison, must be confined with the female prisoners in "the common workhouse of the county where such offense is tried," or she might be confined in the county jail.[3] By 1827, c. 27, New-Gate Prison was abandoned, and the removal of the prisoners to the Wethersfield prison was ordered. With this change this law lapsed.

It may be interesting to give a note which the revisers of 1821 appended to the chapter just considered. It reads:

> Should the regulations of this statute be carried into effect, in the several towns, there can be no question but that the discipline of the workhouse would be more effectual to restrain the commission of crimes of an inferior degree, than any other punishment that can be devised.[4]

This indicates two things, the sanguine view of the efficacy

[1] C. 1, § 146. [2] 1838, 178, § 145.

[3] 1821, 171, § 94. The indescribable condition of this underground prison is sufficient justification for such a law. As remarked above, the revisers of 1821 declared there was no county workhouse. It would appear, therefore, that such women were to be sent to jail, unless they might perhaps have been confined in a town workhouse at the county seat. There they would have been with beggars and stubborn children.

[4] 1821, 482.

of the workhouse, so general in the early days, and the expectation that many towns, in the exercise of an inborn desire to follow their own will, would take no action under the law.

A word is needed regarding one decision, given in 1821 in the case of Washburn *v.* Belknap. The court held that as the object of the workhouse law is the reformation of the prisoner, the master does not fulfil his duty by merely furnishing a prisoner with materials and ordering him to work, but must use all legal means to compel him to work. The proceeds form a fund for remunerating the master for the necessary supplies, which a prisoner has a right to demand and which the master is bound to furnish. No promise by the prisoner to pay for food excuses the master for not enforcing the discipline of labor.[1]

It is a suggestive fact that the law requiring selectmen to care for all indigent persons within their towns was not passed until five years after the provision for town workhouses. That there is a connection between these two facts cannot be affirmed, and yet it looks very much as if, when town authorities were permitted themselves to dispose of beggars, it was considered safe to require them to care for all needy persons within their towns.

2. PROTECTION OF INDIANS

Until the revision of 1821 no change was made regarding the protection of Indians. At that time certain new laws were passed.[2] Each tribe was to have appointed by the county court where it dwelt an overseer, who was to care for their lands and see that these were "husbanded for the best interest of the Indians, and applied to their use and benefit." He was to settle his accounts with the court each year and might at any time be called to account by

[1] 3 *Conn.*, 502. [2] 1821, 278, § 1 *et seq.*

it or be removed for failure to report or for neglect of duty.[1] By an act of 1823[2] he was required to execute a bond, with sureties, payable to the state treasurer, in a sum satisfactory to the county court, "conditioned that he 'would' faithfully account . . . for the funds . . . in his hands, belonging to such tribe."[3]

No marked changes were made in the land laws. If any one purchased, hired, or received, by gift or mortgage, any land from Indians, he forfeited to the state treble its value and the bargain and conveyance were void.[4] A section of the regular land law declared "grants, deeds, or conveyances of lands from Indians, without the consent and approbation of the general assembly, . . . utterly void," and imposed a fine of $167 on any one who purchased such lands without permission or, having made the purchase, made any sale or settlement on them without the confirmation of the assembly.[5] The revision retained a law enacted in 1726,[6] but not given in chapter two, which provided that when an Indian brought suit to recover land, the defendant could not make out a title by proving a possession for fifteen years.[7] Laws of 1834,[8] 1835,[9] and 1836[10] imposed a fine of $5 for each load of wood, whether it contained more or less than a half cord, taken from the lands of the Mohegan, Pequot, or Mantic Indians. The amount was to be recovered for the use of the tribe by the overseer, in an action of debt brought in his name. The team, cart, and other implements used were liable to be attached and held to respond to the judgment thereon as if they were the property of the guilty party.[11]

[1] 1838, 356, §§ 1, 2. [2] C. 25. [3] 1838, 357.
[4] *Ibid.*, 356, § 3. [5] *Ibid.*, 391, § 11.
[6] *Col. Rec.*, vii, 71 *et seq.*; *A. and L.*, 333.
[7] 1838, 357. [8] C. 15. [9] C. 9. [10] 1836–37, c. 87.
[11] 1838, 357 *et seq.*

The fine for giving liquor to Indians was made $2 a pint, while nothing was said about the evidence necessary to convict. Action of debt was still not permitted against an Indian save for the rent of land hired and occupied by him.[1]

The special laws regarding Indian apprentices were omitted, the general laws probably being deemed sufficient.

3. CARE OF INSANE

Important laws were passed in this period regarding the insane. The unwillingness of towns to care for insane persons, who were at times permitted to wander without restraint, often to the endangering of life and property, led to the passing of the law of 1793. This made it the duty of the civil authority and selectmen of the town of settlement or residence to order all such dangerous insane to be confined in a suitable place. If those responsible for them did not obey the order, these officials were required themselves to secure proper confinement and oversight. If necessary, they might, upon a warrant signed by an assistant or the senior justice of the civil authority, have the sufferers committed to the county jail, there to remain during their insanity or until released in accordance with law.[2] At the same time authority to commit the insane to workhouses was withdrawn.[3] In 1797 [4] the section regarding confinement in jail was also repealed, and until the end of the period there was no public place in which insane persons, not criminals, might be confined.

Experience proved that even this law was inadequate and town authorities were not always willing to act. To prevent this, in 1824 any citizen was authorized to complain

[1] 1838, 356, § 4, 5.
[2] *A. and L.*, 468, par. 1.
[3] *Ibid.*, 469, par. 2.
[4] *Ibid.*, 476.

to one of the civil authority or selectmen in his town if he found an insane person going at large. If within three days no action was taken under the statute, he might make a written complaint, under oath, to any justice of the peace in the town, informing him that the person was "dangerous and unfit to be without restraint." It was the duty of the justice immediately by warrant to have the person brought before him or some other justice in the town, and if, after inquiry, it was found that the facts alleged were true, he was to order the person confined in a suitable place for as long as he deemed proper. If satisfied at any time that the person was no longer dangerous, he might order his discharge. The methods for releasing insane criminals were expressly extended to those confined under these laws.[1]

It will be noticed that these provisions all had in mind the protection of the community and did not apply to the harmless insane. Care for them, save through conservators, did not come until later. These laws all remained in force in 1838.[2]

The laws regarding the appointment of conservators for insane persons and the liability of their relatives and estate for their support have already been given, and attention has been called to the fact that the insane were no longer to be put out of service.

In the law of 1793 the first provision was also made for the insane criminal. One who had been acquitted on a trial for murder or homicide (later, manslaughter [3]) on the sole ground of insanity, might be committed by the court to the county jail to be held there during the continuance of the insanity, unless some one gave bonds to confine him as the court might direct. Any person thus confined might himself apply, or his relatives might apply, to the county

[1] 1824, c. 23; *vid. post.* [2] 1838, 350, § 3; 353. [3] 1821, 275, § 4.

court for his release. After a hearing, of which the selectmen were to be notified, the court might make any order for his disposal.[1] No change was made in these provisions in 1838,[2] and any person confined for insanity might secure such a hearing.

It is hardly necessary, perhaps, to imagine how these unfortunates were cared for before the days of the improved modern asylum, but it may be mentioned in passing that in a memorial presented to the assembly in 1786, Mary Weed, of Stratford, stated that for twenty years her husband had been so insane as to be kept chained.[3]

One very important event during the period was the establishment of the first hospital for the insane. In 1821 the medical society took steps to ascertain the number of insane persons in the state and their condition. Circulars were sent to clergymen, physicians, and other citizens in each town. Seventy towns reported 510 lunatics and idiots, many of whom were in wretched condition. From 54 towns no returns were received. As a result of the investigation, the Retreat for the Insane was erected in Hartford with accommodations for 50 patients. In 1830 it was enlarged to care for 90.[4] A charter was granted in 1822 but it was not used and another was substituted for it in 1824. The Retreat was to be a private institution under state supervision. The governor was directed to grant a brief for five years soliciting contributions, while he, together with two commissioners appointed by the general assembly, were to superintend the general concerns of the institution and make occasional visits. The board of visitors and the management were not under public control.[5]

[1] *A. and L.*, 468, par. 2, 3. [2] 1838, 350, §§ 4, 5.

[3] *MSS. State Rec.*, iii, May, 1786, 42.

[4] *Report of Select Joint Comm. on Insane Poor, Gen. Ass.*, 1841.

[5] *Pri. Laws*, i, 342.

The Retreat was designed for those who could pay for treatment, but on May 19, 1830, the directors passed the following resolutions:[1]

Resolved, That the managers of the Retreat be authorized to admit indigent lunatics being inhabitants of this state, whose disease has not exceeded six months, at two dollars per week—provided the number of such persons in the institution shall at no time exceed the number of ten. And provided also, that no individual shall remain in the institution upon the said terms over six months.

Resolved, That before any indigent lunatic shall receive the benefit of this charity, a certificate shall be lodged with the managers, signed by a magistrate of the town in which said lunatic resides, stating that from the evidence he has in his possession, he is of opinion that said lunatic does not own property to the amount of one hundred dollars; and that his disease has not exceeded the period of six months.

4. DEAF, DUMB, AND BLIND

In 1829[2] the first step was taken towards two other differentiations. Selectmen were required to report to the governor, by January 15 each year, "the number of deaf and dumb persons and blind persons within their respective towns, together with the age, sex and pecuniary circumstances of each."[3]

In 1837, the last full year of the period, the governor was appointed a commissioner to select, upon examination and evidence, deaf and dumb persons between the ages of twelve and twenty-five, belonging to Connecticut, whose parents could not contribute to their education at the deaf and dumb asylum in Hartford. He might contract with the asylum for their education, for not more than five years,

[1] *Report of Directors of Retreat*, 1840. [2] C. 24. [3] 1838, 185.

and on terms not less favorable than were granted other states. Those selected were to be maintained at the asylum for not more than five years at an expense to the state not exceeding $2,500 a year. This included an allowance of not more than $20 a year for clothing for those whose parents were unable to provide it.[1]

5. PENSION LAWS

Two general pension laws were passed in the early years of this period, similar in scope to that passed in the previous period and omitted from the revision of 1784.

The first of these, that of 1786, was passed in accordance with a resolution of Congress of June 7, 1785. It had to do solely with those disabled in the service of the United States. An applicant was required either to present to an officer appointed in each county a certificate from his commanding officer, the surgeon of his organization, or a physician or surgeon of a military hospital, or to furnish this examiner with other good and sufficient testimony of his disability and that he was disabled in the service of the United States. The examiner was to verify these statements and give the applicant a certificate, stating the amount of the pension to which he was entitled, and transmit a copy to a state officer designated to receive such certificates. The pensioners were also to appear annually before an assistant or justice of the peace in their county and make affidavit that they were pensioners and had the proper certificates. These affidavits, too, were to be transmitted to the state official. This official was, on the basis of these returns, to make out each year a list of the pensioners, with their names, pay, age, disability, and the regiment, corps, or ship to which they belonged, and send a

[1] *Private Acts*, p. 26.

copy to the "secretary at war." The first list was to be sent in within a year from the rising of the assembly. He was also to draw upon the treasurer of the state orders for the payment of all pensions. These were to be paid out of the quota of Connecticut for the support of the general government.

Those entitled to pensions were veterans who, by reason of injuries received in the service of the United States, were incapable of military duty or of obtaining a livelihood by labor. Commissioned officers were entitled to half-pay, if totally disabled, or less sums in proportion to their disability. Other pensioners might receive not more than $5 a month for total disability or less sums in proportion.[1]

Another law passed at the same session made the judges of the courts of common pleas[2] in each county the examiners under the statute, and the comptroller the state official to record certificates and affidavits, make out the lists of pensioners, and draw orders for the payment of the pensions.[3]

Two years later another law was passed,[4] by which the method of administration was slightly changed and the law was extended to apply also to those disabled in the service of the state.

The list of those disabled in the service of the United States was to be laid annually before the "secretary at war," while to the general assembly was to be submitted a copy of this list and also the list of the other pensioners. The duty of examining applicants and granting certificates was taken from the judges of the courts of common pleas and entrusted to any two judges of the superior court. At the

[1] *MSS. State Rec.*, iii, Oct., 1786, 7 *et seq.*

[2] At this time another name for the county courts.

[3] *Ibid.*, 6.

[4] May, 1788; *vid. A. and L.*, 361 *et seq.*

next session[1] any one judge or either one of two individuals named was given the same power. The applications were to specify particularly whether the disability was received in the service of the state or of the United States. A certificate formerly granted was to be considered sufficient, unless the judges thought best to reëxamine the case. They might revoke any certificate if they found cause. The evidence on which a certificate was granted was also to be recorded. In addition to the duties already imposed upon him, the comptroller was directed to open an account with each pensioner and to adjust all accounts as from February 1 each year. An account was also to be opened for pensioners under former laws. No person was entitled to a pension unless his application was approved and his certificate presented for record within one year from the rising of the assembly. In the October session of that year this was changed to read "within six months from and after the eleventh day of June 1788."[2] Selectmen might appoint some one to receive and expend the pensions of any invalids who were "unable to apply the sums . . . allowed to them in the manner most conducive to their benefit."

I have found no record of the repeal of these pension laws, though they were not included in the next revision.

In May, 1792, Congress passed a law for the reorganization of the militia in the several states. Section nine read:

> That if any person, whether officer or soldier, belonging to the militia of any state, and called out into service of the United States, be wounded, or disabled while in actual service, he shall be taken care of and provided for at the public expense.

This law was included in the preamble of the statute passed

[1] Oct., 1788; *A. and L.*, 369. [2] *Ibid.*

by the Connecticut legislature in the following October,[1] embodying the recommendations of Congress. The legislature did not, however, enact this clause, perhaps for the reason that the act of 1782, which was retained until 1821,[2] covered the case. It will be recalled that this provided relief by selectmen for members of the army and navy of the United States who became ill in Connecticut and who could neither be removed nor be aided in other ways. This did not expressly include state militia in the service of the nation, but possibly it would have been so interpreted.

The revision of 1821 [3] contained a true pension law which, with slight changes, is still on the statute books.

> Any officer or soldier, wounded or disabled, and the widow and children of any officer or soldier killed, while in the service of this state, shall be suitably provided for, by the legislature, having respect to the nature and merits of such case.[4]

A few private pension bills were passed during the period, but they need not be considered.

6. PROTECTION OF MINORS

As usual, the last topic is that of laws relating to minors. The most important feature of the period was that the first step was taken towards the institutional care of children by incorporated bodies. No attempt was yet made to secure public support for these.

The first charitable institution to be incorporated was the Hartford Female Beneficent Society, which in 1865 was united with the Hartford Orphan Asylum. It was chartered in 1813. The board of managers, composed exclusively of women, was given authority to take girls

[1] *A. and L.*, 437 *et seq.*
[2] *Cf.* 1808, 615, § 25.
[3] P. 348, § 39.
[4] 1838, 441, § 39.

who were suitable objects of charity to enjoy the benefits of the institution, and also to accept the surrender of girls from parents or guardians. Any of their beneficiaries might, with the approbation of the judge of probate for the district of Hartford, be bound out in "virtuous families" until they were eighteen or were married within that age. A parent or guardian whose child or ward had been received or bound out during his absence might demand and secure her return upon repaying the amount expended.[1]

In 1833 three other societies were incorporated and in the following year a fourth. These were the orphan asylums of New Haven and Hartford, the Female Beneficent Association of Fairfield, and the Middletown Orphan Asylum. All of these might receive children of either sex and bind them out, boys until twenty-one and girls until eighteen, or their marriage. In two cases[2] parents and guardians were given authority to recover children under the conditions noted above. The Fairfield Association might receive or bind out children with the consent of the selectmen of the towns to which they belonged as well as of the judge of probate.[3]

No very noteworthy changes were made in the laws regarding minors and most of these were made in 1821. Those in charge of children were required to secure for them an education, including reading, writing, and the first four rules of arithmetic, and to bring them up in some honest calling.[4] Selectmen were still directed to inspect the conduct of heads of families, and if they found that chil-

[1] *Private Laws*, i, 328 *et seq.*

[2] Hartford and Middletown orphan asylums. [3] *Ibid.*, pp. 327–340.

[4] No mention was made of instruction in the laws against capital offenses, or of learning an "orthodox catechism."

dren were not being properly educated, to give due admonition. If this was not sufficient and the children were growing up "rude, stubborn, and unruly," they were required, with the advice of a justice of the peace, to take the boys and girls from their parents and bind them out until the ages of twenty-one and eighteen respectively. The old provision for fines was stricken out.[1]

Selectmen retained the duty of binding out on the same terms children whose parents, having received relief from a town, neglected to keep them from idleness and to bring them up in an honest calling, children whose families could not "provide competently" for them, and poor children who were idle and exposed to want without any one to care for them. Girls bound out thus might be released if they were married before the age of eighteen.[2]

It was also permitted fathers or guardians, with their written assent, to bind out the minors under their care; and minors of the age of fourteen, without fathers or guardians within the state, might bind themselves, with the consent of a majority of the selectmen.[3]

It was made the duty of the parties binding an apprentice to see that the conditions of the indenture were fulfilled. If they discovered a violation or if an apprentice fled from the master on account of cruelty, complaint was to be made to a justice, who was to reconcile them if he could; if he failed, he might, at his discretion, bind them to appear before the next county court, and might provide for the apprentice meantime. If the master was found to have been negligent, the court might cancel the indenture, with costs against the master. If the complaint proved untrue and without probable cause, costs were to be awarded

[1] 1838, 105, §§ 1, 2. [2] 1838, 414, § 3. [3] 1838, 413, §§ 1, 2.

against the parent, guardian, or selectman who brought the action.[1]

The introduction of factories into Connecticut and the employment of children in them, either by indenture or otherwise, necessitated special legislation in 1813.[2] The proprietors or officers of a factory or manufacturing establishment were given duties similar to those of parents regarding the education and training of the children under their charge, and this included the preservation of morals and attendance upon public worship. The civil authority and selectmen of each town, or a committee by them appointed, were constituted a board of visitors to secure the enforcement of the law, and were required to make an inspection each January or at such other times as they might appoint. For violations of the law the county court might, upon complaint by this board, discharge apprentices from their indentures or impose a fine not exceeding $100.[3]

This same law prescribed as the penalty for enticing an apprentice from his master the forfeiture to the latter of not more than $100 and the payment of just damages for the loss of service. Similarly, it was enacted that an apprentice who absconded without sufficient cause was, on becoming of age, liable to his master or employer for damages for loss of service. This was a less severe punishment than had prevailed before.[4]

Neglectful, wasteful, or disobedient apprentices might be sentenced by any two justices of the peace to hard labor, for not more than thirty days, in the house of correction, or, if there was none, in the county jail. The justices might at any time order the release of the apprentice when

[1] 1838, 415, § 6. This law was almost identical with the older statute, so far as the flight of apprentices was concerned.

[2] May, c. 2, §§ 1–4. [3] 1838, 415, §§ 7, 8. [4] *Ibid.*, §§ 9, 10

he reformed, or they might cancel the indenture and have him bound out anew.[1] Disobedient children were liable to the same imprisonment upon complaint by parents, guardians, or any informing officer.[2] This was better than the previous indeterminate sentence.

Runaway apprentices might still be brought back at the master's request and expense by a sheriff or constable, on a warrant from a justice.[3]

In the report of Warner *v.* Smith,[4] which was for a breach of covenants by the absconding of an apprentice, are found the obligations of the apprentice to his master. The reciprocal obligations of the master are not given. As this is probably a typical case, the terms are quoted. It was stipulated

> that during all of said time, the said Levi, as an apprentice, should faithfully serve and be just and true unto the plaintiff, as his master, and his secrets keep and his lawful commands everywhere willingly obey; that he should do no injury to his master, in his person, family, property or otherwise, nor suffer it to be done by others; that he would not embezzle or waste the goods of his said master, nor lend them without his consent, nor play at cards or unlawful games, nor frequent taverns or tipling-houses, except about his master's business there to be done, nor contract marriage, nor at any time, by day or by night, absent himself from or leave his said master's service, without his consent, but in all things, as a good and faithful apprentice, should behave and demean himself to his said master, faithfully, during the time aforesaid.

A law passed in 1830[5] prescribed imprisonment in the state prison for not less than two or more than five years

[1] 1838, 414, § 4. [2] 1838, 105, § 3. [3] 1838, 414, § 5.
[4] 8 *Conn.*, 15. [5] C. 1, §§ 20, 21.

and a fine of not more than $400 for any parent or person in charge of a child under six years who should "expose such child . . . with intent wholly to abandon it." [1] Imprisonment for from two to five years was made the penalty also for one who took or enticed away a child under twelve years with the intent to detain or conceal it from the person having lawful charge of it.[2]

In 1837 it was enacted [3] that on any complaint by a woman for a divorce, the court might at any time make any proper order as to the custody, care, and education of the children, which might later be annulled or waived at its discretion. The superior court might also award to a mother, divorced on her complaint, the custody of her minor children, unless an order had been issued at the time of the divorce. A mother living apart from her husband because of his abandonment or cruelty, might have the custody of the minor children awarded to her, for such times and under such regulations as the court ordered. This was to be done on her complaint and after due notice to her husband.[4]

DECISIONS

A few interpretations of these laws should be cited. A boy who went into another town on a parole agreement between his mother and a mechanic, and lived there as an apprentice until the age of twenty-one, was declared an apprentice within the meaning of the law, though there had been no articles of indenture. Hence, he gained no settlement by commorancy.[5] The indenture of a minor, a pauper, by selectmen, without the assent of a justice, except that one of the selectmen is himself a justice, is void. It is not made valid by the subsequent assent of another justice.[6]

[1] 1838, 147, § 21. [2] *Ibid.*, § 20. [3] 1836–37, c. 41, § 1, 2.
[4] 1838, 187, §§ 1, 2. [5] 1810, Huntington *v.* Oxford, 4 *Day*, 189.
[6] 1794, King *v.* Brockway, 2 *Root*, 86.

A proceeding against a refractory apprentice is criminal in form and object; hence it was held in 1836 that if it resulted in acquittal, the complainant could not sustain a writ of error.[1] It is a good defense to a charge of desertion that the master neglected to instruct the apprentice in his trade, and unnecessarily obliged him to work on the Sabbath.[2]

A guardian is liable on the indenture of a ward who is an apprentice if the latter absconds from his master.[3] A guardian is not liable for the departure of an apprentice if the master gave permission for it, even though it was afterwards revoked.[4]

No action lies in favor of a guardian to recover damages for taking away his ward unless he alleges the loss of service. This rule would probably hold of masters and apprentices.[5] In a suit for damages, the award made by rule of the court cannot be set aside unless corruption in the arbitrators be shown.[6] The estate of a master who contracted to furnish meat, drink, lodging, clothing, *etc.*, to an apprentice is responsible for the fulfilment of the contract after his death, for such an indenture is not terminated by the decease of the master.[7] In an action of

[1] Francis *v.* Lewis, 11 *Conn.*, 200. The present law (1902, § 1523; from 1886, c. 15, 1897, c. 194, § 20) allows the state, in criminal cases, with the permission of the presiding judge, to take an appeal on questions of law. Hence the reasoning of 1836 would now permit an appeal from a verdict of acquittal in the case of a refractory apprentice.

[2] 1830, Warner *v.* Smith, 8 *Conn.*, 14.

[3] 1795, Paddock *v.* Higgins, 2 *Root*, 316; 1796, *idem*, *ibid.*, 482; 1796, Hewit *v.* Morgan, *ibid.*, 363; 1796, Clement *v.* Wheeler, *ibid.*, 466. In the last case the court gave as a condition for such liability that the indenture have been signed with the consent of the guardian.

[4] 1803, Lewis *v.* Wildman, 1 *Day*, 153.

[5] 1796, Fields *v.* Law, 2 *Root*, 320.

[6] 1803, *ante*, 1 *Day*, 153.

[7] 1802, Eastman *v.* Chapman, 1 *Day*, 30.

covenant against a master for sending an apprentice out of the country, parole evidence is admissible on a plea of "not guilty," to prove that the plaintiff consented to the act.[1]

A recruiting officer has no right to enlist indentured servants into the army without the consent of their masters.[2]

A mother is the natural guardian of her daughter, after the death of the father, until the daughter is of age for choosing a guardian for herself.[3]

V. Summary

In summing up the years 1784-1838, it may be said that it was preëminently a time for rounding out and perfecting the system begun in the colonial period.

The laws of settlement were recast to secure sharper differentiation and, for inhabitants of Connecticut especially, greater liberality. By mere residence these could, upon certain conditions, gain a settlement, while the power of removal was much restricted. Self-supporting inhabitants of Connecticut were given entire freedom of residence.

The bastardy laws were rewritten and the procedure was more clearly defined.

The laws regarding conservators and overseers were changed in several directions in order further to safeguard the interests of those who could not manage their property. The courts and selectmen were no longer allowed to care for such persons directly.

An attempt was made to prevent drunkenness from increasing pauperism.

The towns were given power to establish houses of cor-

[1] 1808, Burden *v.* Skinner, 3 *Day*, 126.

[2] 1796, Merriam *v.* Bissel, 2 *Root*, 378. [3] 1796, *ante*, 2 *Root*, 320.

rection for beggars and other like persons, and soon after this the duty of caring for all needy persons within their limits was placed upon the selectmen of each town. Thus the law was strengthened at its weakest point. The towns might maintain almshouses or have their poor supported by contractors. The liability of the state for paupers was reduced to the minimum and the method of supporting state poor by contract was first allowed. Hospitals were chartered and, with the elaboration of the poor laws, the laws relating to sickness lost their importance. Other methods of relieving poverty became less important.

With regard to the insane, their confinement in workhouses or jails was forbidden and it was made the duty of town officers to care properly for any who were a menace to life or property. Provision was made for the care of insane criminals in the jails. There was still lack of adequate care for the harmless insane, but this was due as much to ignorance of the fact that treatment would help such cases as to indifference. The establishment of the Retreat meant that this lack would soon be supplied.

A beginning was thus made in institutional care for certain classes of dependents. This was to become the characteristic of the next period. The first orphan asylums were also chartered for the care and guardianship of children and laws were passed for the protection of children employed in factories.

The history of the period continued to exhibit the difficulty in securing workhouse sentences for tramps. The counties would not assume the financial burden and only the larger towns were willing to act. It seemed easier to give temporary assistance and pass the beggars on to others.

The experience of the early years of the period seemed to indicate that state aid through towns is not economical.

It was seen in the last chapter that distinctions were be-

coming less clear. The revision of 1821 made sharper differentiations than ever. Beggars were to be sent to the workhouse, paupers were to be cared for by towns in almshouses or otherwise, those mentally weak were to have conservators appointed, while spendthrifts were to be placed under overseers. This distinction was almost too finely drawn and soon the law for conservators was broadened but, nevertheless, in general there was a sharper differentiation than before.

The most interesting feature of the period was the change in the basis of poor relief. In 1784 the system was a combination of town and state aid; in 1838 it was almost exclusively a town system. In fact, in 1837, before state aid was granted for the education of the deaf and dumb, the system was perhaps the nearest approach to the purely town system that could be found in America. In the colonial period the system was incomplete, but by 1837 it had been rounded out with comparative fulness; yet the only aid given by the state was to sick strangers within the first three months of their residence in a town. From then until 1904 there has been a steady increase in state aid and, while the basis is still the town system, there have been added to it many forms of aid by the state.

CHAPTER IV

INSTITUTIONAL PERIOD, 1838-1875

I. Chief Characteristic

The period 1838-1875 was marked by the development of institutions for the care of special classes. While this began in a small way before 1838, after that date it became the marked feature. Not only were other private institutions chartered, but the state erected institutions and aided or subsidized those under private control.

While the former period witnessed little legislation, but that little of much importance, the period under review was very prolific of laws, though most of these were of comparatively slight interest. The two hundred general acts concerned details more than principles. This body of legislation is so large that we can merely note the trend, the important steps, and the result. There was no radical change in the system, but a gradual increase in differentiation and a perfecting of details.

II. Preventive Measures

1. LAWS OF SETTLEMENT

The laws of settlement were somewhat modified. After 1845 [1] holding public office in a town ceased to confer a settlement there. By the revision of 1849 [2] a fine was imposed for entertaining or for letting property to, not any one

[1] C. 33.

[2] P. 535, § 10.

without a Connecticut settlement, but only one who had been warned to depart or had returned to the state after having been removed therefrom. An act of 1848 [1] removed the prohibition upon an alien's holding land. Any alien, a resident of Connecticut or of one of the United States, might purchase, hold, inherit, or transmit real estate with the same freedom as a native-born citizen. In 1872 [2] the law which made a town responsible for a person not settled in Connecticut after a six-years' self-supporting residence, was repealed, and the revision of 1875 [3] apparently permitted the removal from Connecticut towns only of those with settlements in the United States. It likewise relieved the towns of responsibility for strangers during the first three months of residence in Connecticut towns.[4] The fine for importing convicts was raised from $334 to $500 and the old provision regarding the evidence for conviction was stricken out.[5] The fine for bringing into the state and leaving in a town a pauper not belonging there was made $70 instead of $67.[6]

[1] C. 15. [2] C. 73. [3] P. 197, § 9.

[4] *Cf. post*, p. 209. [5] 1875, 518, § 25.

[6] *Ibid.*, 198, § 12.

With these changes, the laws may be summarized briefly as follows:

A foreigner or one without a United States settlement might gain a settlement only by vote of the inhabitants of a town or by the consent of local officials. 1875, 195, §§ 1, 2.

An inhabitant of another state might, after residing in a town for one year, become settled in either of these ways, or by such residence coupled with the ownership of unencumbered real estate in Connecticut valued at $334, the title of which, if by deed, had been recorded one year. If he had ever had a settlement in a Connecticut town, that town was still responsible for him. *Ibid.*, § 3; 200, § 9.

Members of this second class might at any time be removed unless they had gained a settlement. Those without settlements in Connecticut might be warned to depart and be fined for remaining, but might not be removed. A person entertaining or letting land to those who

Some of the decisions were enacted into law. Thus, it was enacted in 1854 [1] that any woman with a settlement in Connecticut and married to a man without such a settlement, retained hers and communicated it to her minor children, until the husband gained a settlement in his own right; [2] and that a child of a state pauper born in the state poorhouse, or while the parents were supported by the contractor for state poor, was not to be deemed [3] to be settled in the place of birth by reason of birth alone. Nine years later [4] this provision was extended to children born in the Hartford or New Haven hospitals while the parents were beneficiaries there.[5]

The method of recording the non-payment of taxes was changed in 1859.[6] Each collector of state or town taxes was directed, within eighteen months after the taxes became due, to give the selectmen, on oath, a certificate containing the names of those whose taxes remained unpaid, and the dates when payment was demanded, and stating that he was

had been warned to leave or who had returned after being removed was fined unless he gave bonds to save the town from expense. 1875, 197, §§ 9–11.

An inhabitant of Connecticut might gain a settlement in another town in one of the ways prescribed for foreigners, by a residence there of one year, during which time he owned in the town unencumbered real estate worth $100, or by a six-years' self-supporting residence and the payment of all taxes. If he failed to support himself or his family, he might be removed to his settlement by either town. *Ibid.*, 196, §§ 4, 7, 8.

Apprentices were excepted from these provisions. *Ibid.*, 197, § 10.

A town was responsible for those without Connecticut settlements after the state's responsibility ceased, usually at the close of three months from their arrival. *Ibid.*, 201, § 2.

There were fines for importing convicts or leaving paupers in towns where they did not belong. *Ibid.*, 518, § 25; 198, § 12.

[1] C. 70. [2] 1875, 196, § 5. [3] 1854, c. 73.

[4] 1863, May, c. 20, § 1. [5] 1875, 196, § 6. [6] C. 81.

unable to collect them. This was an entirely new requirement. The subsequent steps introduced no great changes. The selectmen were empowered to abate such taxes, and were, within twenty (not ten) days thereafter, to lodge with the town clerk the collector's certificate, together with a list, signed by them, of those whose taxes had been abated. An attested copy of the certificate and list was to be proof that those named therein had not paid their taxes on demand. If the collector or selectmen failed to do this, the courts were to hold that the taxes had been paid and the non-payment could not be claimed or shown by the town in question. A fine of not more than $200 was the penalty for knowingly making a false certificate or list.[1] After 1866[2] this law applied only to town taxes. In 1868[3] and 1871[4] laws were passed making copies of certificates lodged with selectmen before a specified date valid as evidence for the non-payment of taxes, even though the time when the demand was made was not given. The law of 1871 omitted the requirement of the collector's oath. The revision of 1875 retained the law of 1859, except that the date when payment was demanded did not need to be given. Lists returned before June 4, 1859, unsigned, might be proved by proper evidence.[5]

During the period some fifty changes were made in town boundaries, either by the incorporation of new towns or by the transfer of territory. In at least eight transfers paupers were not mentioned. In three of the fifty laws a special proportion was named for the division

[1] *Cf.* 1875, Hamden *v.* Bethany, 43 *Conn.*, 212; 1883, Bethlehem *v.* Watertown, 51 *Conn.*, 490.

[2] P. 620, § 14; *cf.* 1875, 525, § 11.

[3] C. 39.

[4] C. 78.

[5] 1875, 198, §§ 13, 14.

of the paupers, while in six the division was to be proportioned to the tax lists. In the other cases, some thirty or more, each town was to care for its own paupers. This was determined either by birth, by residence, or by settlement within the limits. Various combinations of these criteria were made in different instances.

DECISIONS

Between 1838 and 1875 many decisions were given in which were involved the laws of settlement.

The statement by a person living in a town where he is not settled that he came from another state, neither proves the lack of a Connecticut settlement nor establishes the fact that he is settled elsewhere.[1] The declaration of a deceased father, or an entry in a family Bible belonging to him, does not prove that a pauper was born in a certain town; nor is a presumption created by the fact that a pauper's first recollection was of being there or that he was first known as a resident there with his father when four years old.[2]

The certificate of a town clerk that a pauper was a voter in a town is not admissible to prove his settlement.[3] Evidence is admissible that a pauper when returning to B. from A., where he had been working, said he was going home to B., because it shows his mind and conduct as regards his domicile.[4] It is not admissible to trace a settlement to a maternal ancestor unless it is proven positively that the paternal ancestor had no settlement in Connecticut.[5]

The responsibility of a town to care for a returned for-

[1] 1864, Middlebury *v.* Bethany, 32 *Conn.*, 71.

[2] 1873, Union *v.* Plainfield, 39 *Conn.*, 563.

[3] 1851, New Milford *v.* Sherman, 21 *Conn.*, 101.

[4] *Ibid.*

[5] 1864, *ante*, 32 *Conn.*, 71.

mer inhabitant, who had lost his settlement by gaining one in another state, settles the pauper in that town for himself and his family.[1]

A satisfied mortgage, not discharged on the records, is no incumbrance within the meaning of the statute, and hence no bar to gaining a settlement.[2]

An unnaturalized foreigner gains no settlement by commorancy or by naturalization combined with prior residence. In fact, it is questionable whether a foreigner acquires a settlement by commorancy after naturalization.[3] A person *non compos mentis* may gain a settlement by commorancy.[4]

A temporary absence, with the intention to return, followed by a return, does not interrupt a residence and prevent the acquisition of a settlement.[5] A widow and her minor children gain a settlement by commorancy. Before it is secured, a minor son is allowed to leave home and support himself. Such a verbal agreement is no legal emancipation and he takes the new settlement of his mother and the other children.[6] A minor's absences from home, amounting in all to three years, and including a voyage of fifteen months, do not interrupt his residence and prevent his taking his father's settlement acquired by commorancy.[7]

The word "belongs" in the poor laws and laws of

[1] 1867, Morris *v.* Plymouth, 34 *Conn.*, 270.

[2] 1871, Clinton *v.* Westbrook, 38 *Conn.*, 9.

[3] 1871, Bridgeport *v.* Trumbull, 37 *Conn.*, 484. *Cf.* later decisions cited in chap. 5.

[4] 1863, Plymouth *v.* Waterbury, 31 *Conn.*, 515; *cf.* 1900, Ridgefield *v.* Fairfield, 73 *Conn.*, 47.

[5] 1851, *ante*, 21 *Conn.*, 101.

[6] 1852, Torrington *v.* Norwich, 21 *Conn.*, 543.

[7] 1860, Salem *v.* Lyme, 29 *Conn.*, 74.

settlement refers to the place of legal settlement, not to a domicile.[1] The residence in a town that secures a settlement by commorancy is an actual residence for the statutory time, a mere domicile being insufficient.[2] That is, the domicile, the permanent, legal dwelling-place,[3] which each person must have somewhere and can never have in more than one place for the same purpose,[4] and which is not affected by a change in residence unless with that intention,[5] does not affect the settlement, while the residence does.[6] A period of imprisonment does not constitute a portion of the successive residence necessary to gain a settlement.[7]

The requirement for gaining a settlement that a person support himself and his family for six years, includes all whom it is his duty to support. Relief given to his abandoned wife bars his settlement, though he has been self-supporting.[8]

The neglect to pay a tax, though it was not abated, prevented the acquisition of a settlement. If properly done, the motive in abating a tax was unimportant.[9] The tax must, however, have been laid in strict compliance with the law, including the signing of the tax list by a majority

[1] 1849, Reading *v.* Westport, 19 *Conn.*, 561.

[2] *Ibid.* [3] 1860, *ante*, 29 *Conn.*, 74.

[4] 1868, First Nat'l Bank *v.* Balcom, 35 *Conn.*, 351.

[5] 1871, *ante*, 38 *Conn.*, 9; add 1890, Hartford *v.* Champion, 58 *Conn.*, 268; 1892, Canton *v.* Burlington, 61 *Conn.*, 589.

[6] In 21 *Conn.* 101 (*ante*), "domicile" seems to have been used in the other sense, for evidence was admitted to show a pauper's mind regarding his domicile as being a determining factor in deciding his settlement.

[7] 1849, *ante*, 19 *Conn.*, 561; 1871, Washington *v.* Kent, 38 *Conn.*, 249.

[8] 1863, Cheshire *v.* Burlington, 31 *Conn.*, 326.

[9] 1863, North Stonington *v.* Stonington, 31 *Conn.*, 412.

of the board of assessors. A settlement could not be rejected when the only evidence of the non-payment of taxes was a list signed by one assessor. Unless non-payment was proved, a six-years' residence implied a settlement.[1]

In the absence of statutory regulation, the acquisition of a settlement in one state puts an end to a prior one in another state.[2]

If an act incorporating a new town is silent regarding any class of paupers, *e. g.*, those who may later come to want, the obligation for them will be determined by the common law, as if paupers had not been mentioned.[3] The common law makes a man an inhabitant of the town which contains the territory where he is settled, even though he was away at the time of the division.[4] The transfer of territory from one town to another transfers the settlement of those settled therein, including an inmate of the almshouse on the territory not annexed.[5] A residence of six years within territory transferred gives a person a settlement within that territory, and therefore within the town to which it is transferred. The transfer puts an end to a former settlement in the old town.[6] A continuous self-supporting residence for a period of six years upon the same territory confers a settlement in the town to which

[1] 1846, Middletown *v.* Berlin, 18 *Conn.*, 189.

[2] 1850, Bethlem *v.* Roxbury, 20 *Conn.*, 298.

[3] 1841, Simsbury *v.* Hartford, 14 *Conn.*, 192. The decision of 1847 (Waterbury *v.* Bethany, 18 *Conn.*, 424), which laid down the rule of the common law, was cited in the last chapter. It was confirmed a month later in Colchester *v.* East Lyme (*ibid.*, 480). *Cf.* 1886, Haddam *v.* East Lyme, 54 Conn., 34.

[4] 1850, Naugatuck *v.* Middlebury, 20 *Conn.*, 378.

[5] 1842, Oxford *v.* Bethany, 15 *Conn.*, 246.

[6] 1843, Bethany *v.* Oxford, 15 *Conn.*, 550.

the territory belongs at the close, though in the meantime it has belonged to different towns.[1]

The agreement between two towns to support the paupers in proportion to their lists has no effect upon the settlements of the paupers. Thus, a town which agreed, as part of its liability, to support a pauper belonging to it, cannot recover from the other town any portion of the expense of supporting the pauper's wife, whom he subsequently married, because her marriage made her an inhabitant of that town.[2]

A posthumous, legitimate child takes his father's settlement, even if his mother, before his birth, changed her settlement by marrying again. Had the mother acquired her new settlement in her own right, the child would have taken that.[3]

Because a New York statute gave a bastard a settlement in the place of birth, the Connecticut court held that a bastard born in New York in 1811 did not take his mother's Connecticut settlement when he came into the state with her.[4]

An emancipated slave might gain a settlement by commorancy, though freed without the consent of the civil authority and selectmen. Such permission concerned merely the master's liabilty.[5] The settlement in Connecticut of a free woman was not superseded by her marriage with a slave owned by a master in another state and his subsequent emancipation, unless it was shown that her previous settlement was actually changed under the laws of the other state.[6]

[1] 1841, *ante*, 14 *Conn.*, 192. [2] 1842, *ante*, 15 *Conn.*, 246.

[3] 1848, Oxford *v.* Bethany, 19 *Conn.*, 229; *cf. ante*, 21 *Conn.*, 543.

[4] 1850, *ante*, 20 *Conn.*, 298.

[5] 1839, Colchester *v.* Lyme, 13 *Conn.*, 274.

[6] 1852, New Haven *v.* Huntington, 22 *Conn.*, 25.

2. SUPPORT OF RELATIVES

The responsibility of parents, grandparents, children, and grandchildren for mutual support remained as before. If they neglected to support one another, they might, upon application by selectmen or any of their own number, be assessed. In 1855 [1] the jurisdiction was transferred from the county court to the superior court in the county. In 1867 two additions were made. One act [2] added the husband to the list of relatives liable; the other [3] empowered any judge of the superior court, upon a petition by selectmen and after reasonable notice, to require any relative liable to furnish support to give bonds to answer the judgment of the court. On the other hand, by an act of 1873,[4] a relative who was impoverished and deprived of "reasonable support" by his contribution, might apply for relief to the superior court. The court, after a hearing, might direct what part of the support, if any, he should thereafter furnish, and the town responsible became liable for the balance. All these laws were included in the revision of 1875.[5]

In 1864 the court reiterated its rulings that the obligation of a child to support a parent is purely statutory and that the order of the court must be exclusively prospective, not for reimbursement for past expenses. It also decided that when one child supports a parent at the request of the other children, they are liable upon their implied prom-

[1] C. 26, § 17. This act abolished the county courts and with two exceptions, which do not concern us, transferred their jurisdiction to the superior court. In 1875 this was composed of eleven judges, including the five of the supreme court, who were annually assigned to hold superior court in the several counties (p. 40, § 1; p. 42, § 11; p. 45, § 1).

[2] 1867, c. 70.

[3] 1867, c. 128, § 1.

[4] C. 20.

[5] P. 202, §§ 1, 2.

ise to pay, and hence no bill in equity can be sustained against them.[1]

A man who did not support his family might still be sentenced to a workhouse. The court in 1874 held that this penalty might be imposed although the marriage had been compulsory, in order to escape proceedings under the bastardy act, and the couple had never lived together. No expenditure of the man's income for immoral purposes needed to be proved.[2]

3. SUPPORT OF CHILDREN BY DIVORCED PARENTS

In 1854 an important law was passed regarding the support of the minor children of divorced parents. The position of the court before 1838, that the entire obligation rested upon the father, was reversed in 1853 in a decision rendered by a divided court. A mother had applied for and been granted a divorce, and had also been awarded the custody of the minor children. She later brought action against the father for the entire expense of their support. The court found for the defendant and declared that both parents are naturally bound to support children, though during marriage the legal duty is on the father. After a divorce against his consent, the father's civil duty ceases, because he is deprived of the custody and services of his child, but the mother's natural duty remains.[3] In the following year this position was enacted into law.[4] Divorced parents were made liable for the support of their minor children according to their abilities respectively. It was the duty of the superior court, upon the application of either parent, either in the petition for divorce or subse-

[1] 1864, Stone *v.* Stone, 32 *Conn.*, 142.

[2] State *v.* Ransell, 41 *Conn.*, 433.

[3] 1853, Finch *v.* Finch, 22 *Conn.*, 411. [4] 1854, c. 38.

quently, to investigate their financial ability and draw against either for the "just and equitable" share. It might also require security to be given and enforce its decree by any proper proceeding usual in courts of equity. All but this last clause regarding the enforcement of the decree was retained in 1875.[1]

4. SUPPORT BY HOST AND EMPLOYER

The obligation of a host for the support of a guest without a Connecticut settlement was all but removed. In the revision of 1849[2] the liability was limited to expenses incurred before the selectmen were notified of the guest's need. After that the responsibility rested upon the relatives, town, or state as the case might be.[3]

In this connection may be mentioned a statute passed in 1849.[4] It made a paper manufacturer employing one who had not had smallpox or been vaccinated responsible to any town for expenses incurred by the sickness of the employee with smallpox contracted while in his employ.[5]

5. REIMBURSEMENT FROM PAUPER'S ESTATE

The law of 1831, which permitted selectmen to sell the personal property of a deceased pauper for the use of the town, if no person interested took out papers of administration within ninety days, was slightly changed. The revision of 1875 raised the limit of the property which might be sold from $30 to $50.[6]

6. CONSERVATORS

While more than thirty laws regarding conservators were passed during the period, there was no change in principle.

[1] P. 189, § 9. [2] P. 538, § 24. [3] 1875, 201, § 2.
[4] C. 36. [5] 1875, 194, § 11. [6] 1875, 200, § 8.

Many minor changes were made and the system adapted to new conditions.

In 1841 [1] the appointment of conservators for those mentally defective was transferred from county to probate courts. Two years later [2] these courts were given exclusive jurisdiction of the appointment of all conservators. Any party aggrieved by an order of the court might within thirty days appeal to the next county court, upon giving bond to prosecute his appeal to effect and to make good all damages in case of failure to do so. After 1855 [3] the appeal lay to the superior court in the county.[4] The revision of 1849 [5] prescribed that the court to act was that within whose district the party resided, the petition being presented, as before, either by one of his relatives or by the selectmen of the town where he belonged.

In 1857 the supreme court decided that no appointment was valid unless the person had an actual residence within the probate district, a mere domicile being insufficient; and unless notice had been served on him personally or left at his usual place of residence.[6] Undoubtedly because of this decision, the assembly in 1859 [7] passed a law validating all appointments over those not residing in the town of settlement, provided they had had legal notice and been present at the hearing. This, of course, virtually declared that residence within the town of settlement was not essential. In 1861 [8] the jurisdiction of probate courts was expressly extended to those whose legal domiciles were within the

[1] C. 14, § 9. [2] 1843, c. 17, § 1. [3] C. 26, § 17.

[4] 1875, 54, § 11. [5] P. 434, § 1.

[6] The reason was that the court of probate was one of specially limited jurisdiction in such cases and must conform strictly to the provisions of the statute. 1857, Sears *v.* Terry, 26 *Conn.*, 273.

[7] C. 17. [8] May, c. 38.

district, whether they resided therein or not.[1] The court was to prescribe the manner of serving notice upon non-resident respondents.[2] Similarly, the application for a conservator might in 1875 be made by a relative, as before, or by the selectmen of the town of residence or domicile.[3] Previously only selectmen of the town of settlement had had this power. These changes increased the likelihood of securing conservators when they were needed.

In 1859 the supreme court declared that no probate judge might appoint a conservator for a resident of a town of which he was selectman.[4] This disability was removed in 1862,[5] and the appointment of a conservator was made valid even if the judge was selectman of the town of the respondent's settlement or domicile.

By the same acts,[6] not only the power of appointing conservators, but all other powers relating to them, such as adjusting accounts and authorizing the sale of real estate, were given to probate courts. After 1855[7] notice might be served personally upon selectmen, when a relative petitioned for the appointment of a conservator, as well as be left at the selectmen's residences.[8]

In 1862[9] the courts were given authority to appoint conservators for married women who owned property. According to the revision of 1875, this might be done for a woman whose husband was "without the means of providing for her support" and who was unable to support herself, but never for one whose husband was capable of

[1] All these laws were united in 1875, 346, § 1. [2] *Ibid.*, § 2.

[3] *Ibid.*, § 1. [4] Nettleton's Appeal, 28 *Conn.*, 268.

[5] May, c. 12. Not retained in 1875.

[6] 1841, c. 14, § 9; 1843, c. 17, § 2.

[7] C. 78. [8] 1875, 347, § 2. [9] May, c. 36.

caring for her. The purport of the earlier law was the same. Such conservators were appointed like other conservators and had similar duties. They collected debts and used the property for the support of the women and their families.[1]

A law passed in 1866[2] made a slightly different provision. If the husband was unable to provide for his wife and she could not, because of insanity, sickness, or any other cause, join in any contract for the sale or conveyance of her property, the probate court might, upon the application of her husband or of the selectmen of the town where she belonged, authorize the husband or some other person to sell all or a part of her property, giving bond to use the proceeds solely for her support. Probably because the law for conservators was deemed sufficient, this statute was not included in the revision of 1875.

Provision was also made before 1875 for citizens and residents of other states, owners of property in Connecticut, who were incapable of managing their affairs. The first law, passed in 1851,[3] permitted the probate court for the district in which the real estate was located to order the conservator or committee appointed under the laws of the state of residence, upon their application, to sell the real estate, as if the ward were a resident of the district. The court was to give notice to parties interested at its discretion, including the selectmen of any Connecticut town to which the ward belonged.

A statute of 1855[4] provided for a non-resident who was not under a conservator or committee. The court might, upon the application of the next of kin, appoint a trustee

[1] 1875, 348, §§ 10–13. [2] C. 19. [3] C. 37.
[4] C. 81.

to manage his real estate in Connecticut or, after proper notice, to sell any part or all of it and use the avails for his benefit. Such a trustee was required to give bonds with sureties and the court was to give due notice of the application by publication and otherwise.

In 1866 [1] a change was made in the law regarding the Connecticut property, real or personal, of one who was under a conservator or committee appointed elsewhere. Upon the latter's application, the probate court in which some part of the property was located was authorized to appoint a conservator, who gave bonds and performed the duties required of any other conservator. Upon the order of the court, the Connecticut conservator was to deliver and pay over all the "personal property, chattels, moneys, choses in action and evidences of indebtedness belonging to" the ward, to any one authorized by the laws of the other state to receive them, and upon his application, and within thirty days to file with the court a sworn statement containing a complete schedule of the property thus turned over and an inventory of the real estate still in his possession.[2] A conservator might, by an act of 1870,[3] be appointed for a non-resident incapable woman owning property in Connecticut, with the written assent of her husband.

These tentative laws were codified and condensed in the revision of 1875. The law authorized the appointment of a conservator for any non-resident who was incapable of managing his affairs and who had property situated in Connecticut. The court having jurisdiction was that within which all or some portion of the property was located. Such appointment might be made "on the written

[1] C. 18.

[2] *Cf.* 1855, c. 80, §§ 1, 2; 1866, 517, §§ 16, 17.

[3] C. 9, §§ 1, 2.

application of any relative, or of a conservator, committee or guardian having charge of the person or estate" of the non-resident in the state of residence. No appointment could be made for a married woman "without the written assent of her husband on file" in the court. Such conservators were required to give the usual probate bond. The court might, upon the written application of the conservator, order him to sell the estate. Notice of the time and place of a hearing for the appointment of a conservator or the sale of property was to be given by advertisement in a newspaper published in the county where the property was situated, at least six days in advance,[1] and by such other notice as the court might prescribe. Further than this, these conservators were subject to the general law.[2]

The revision also contained a law, based upon acts of 1854[3] and 1872,[4] regarding any non-resident who owned merely personal property in Connecticut. If he was under a guardian, trustee, committee, or other legal custodian, appointed in the place of residence, who had given bond and security to double the value of the entire estate, this custodian might apply in writing to the probate court of the district in which the principal part of the estate was located, alleging his appointment and bond, and that a removal of the property would not conflict with the terms of ownership. If the court found the allegations true and that all known debts against it, contracted in the state, had been satisfied, it might direct the delivery to the custodian of the property, after due notice and hearing. The custodian might demand, sue for, and recover the property, and remove it from the state. An exemplified copy of the

[1] 1870, c. 9, § 2. [2] 1875, 347, §§ 6, 7. [3] C. 67.

[4] C. 56. These two acts applied to property of minors under guardians.

record of the appointing court was to be filed in the probate court.[1]

From 1855[2] to 1875 there was a special law for idiotic or insane persons, under conservators, when they removed from the state. Possibly those intended by the statute were such as had gone away for treatment. The method of using their personal property was that just given in connection with 1866, c. 18.

When the jurisdiction over conservators was granted to probate courts, their bonds were to be made payable to the judge of the court and his successors in office.[3] After 1875 conservators gave regular probate bonds, all of which were payable to the state, to an amount and with one or more sureties satisfactory to the court.[4]

By a law of 1854,[5] the surety on a conservator's bond might be granted relief upon his petition, after at least twelve days' notice. If the principal was unable to obtain other surety, the court was required to remove him and appoint another. If he obtained the new surety, the old surety was not liable for any breach thereafter committed.[6]

The revision of 1866[7] also extended to the surety of a conservator the right granted in 1865[8] to the surety of guardians, namely, to apply to the court for an order requiring the principal "to exhibit, and disclose fully before said court, the condition of the estate held by him," in order that it might be ascertained whether it was "properly managed" or not and whether the surety was "in danger of being injured by the negligence or misconduct of his . . .

[1] 1875, 57, §§ 27, 28. [2] C. 80.

[3] 1841, c. 14, § 9; 1847, c. 36. [4] 1875, 59, § 41; 346, § 1.

[5] C. 49; 1853, c. 61, permitted such relief for the surety of guardians, executors, and trustees.

[6] 1875, 58, § 37. [7] P. 233, § 95. [8] C. 66.

principal" or not. After proper notice and hearing, if the court ascertained that the application was made in good faith, it granted the order. If the conservator refused to obey, or if the court found that his management was not faithful and the surety was in danger of being injured, it removed him and appointed another. This law was retained in 1875 with slight verbal changes.[1] In 1875[2] the court was also given authority to enforce the delivery of the estate to the new appointee in the same manner as a court of equity.

By an act of 1868[3] a conservator might resign. The court might accept his written resignation and appoint another conservator, provided notice of at least one week was given to the selectmen of the town where the ward belonged, and proper notice was given to other "parties in interest."[4]

In 1869[5] it was enacted that if a person under a conservator became a settled inhabitant and actual resident in a town outside the district in which his conservator was appointed, the selectmen or any relative might petition the probate court of the district for another appointment. If it was found that the ward had become a settled inhabitant of the new town, the court might appoint a conservator. He was required immediately to leave a certificate of his appointment with his predecessor, who was thereupon to settle his account with the court which appointed him, file with it an inventory, on oath, of all the real estate remaining in his possession, and after the settlement deliver to the new conservator all the personal property and choses in action belonging to his ward.[6]

[1] 1875, 58, § 36.

[2] 1875, 59, § 38; said to be based on acts of 1869 and 1874. [3] C. 32, § 1.

[4] 1875, 349, § 14. [5] C. 45. [6] 1875, 349, §§ 15, 16.

The duties of conservators were also more clearly defined.

The revision of 1849 [1] required each conservator annually to render to the court his account with his ward, giving the particulars and the situation of the latter's estate. Previously reports had been submitted upon demand. In 1853 [2] it was prescribed that conservators in their reports, covering the preceding year, should embrace

> an inventory or schedule of the estate held by them, the estimated value of the same, the amount of income, interest, issues and profits thereof, realized during the year as aforesaid, and the amount paid, or proposed to be paid for the support of . . . the person or persons for whom or whose benefit . . . such estate

was held. The reports were to be made on oath and any neglect to submit them was to be regarded as a refusal to act as conservator. The revision of 1875 required each report to contain "an inventory and appraisal of the estate . . . , the amount of income during said year, and the amount paid and for what purpose." [3] It was to be rendered annually or oftener, if required, and to give the condition and items of the estate.[4]

In regard to sales of real estate, after 1848,[5] if the court authorized some one other than the conservator to make the sale, the conservator himself might be the purchaser.[6] As before, the seller was to give bonds. He was also to pay to the conservator the proceeds. Notice of the sale had to be posted on the town sign-post nearest the estate, and, if the estate was valued at more than $100, adver-

[1] P. 437, § 9. [2] C. 62, § 1. [3] 1875, 59, § 39.
[4] 1875, 347, § 3. [5] C. 50. [6] 1875, 347, § 5.

tised in the nearest newspaper.[1] From 1868[2] until the revision of 1875 conservators might sell interests in estates worth not more than $300 if they deemed it for the interest of their wards, provided the probate judge of the district in which the property was situated placed upon the deed his written approval.

Before 1860 the proceeds of a sale of real estate over and above that needed for the support of the ward might, it will be recalled, be invested only in other real estate conveyed to the ward, or in mortgage on property of double the value of the estate sold. In 1860[3] it was enacted that such surplus might, with the approval of the court, be deposited in an incorporated Connecticut savings bank. At a special session the following year, conservators were granted authority to invest such funds in the bonds of the state.[4] A law of 1863 declared that the proceeds from the sale of a minor's real estate might be invested, with the approval of the court, "in the bonds or loans of this state, the bonds or loans of any town, city or borough of this state, and in the bonds, loans or securities of the United States." The second section of the law granted like permission to "guardians, trustees, executors, or others holding property in a fiduciary capacity."[5] This included conservators. The revision of 1875 expressly allowed conservators to invest such proceeds in the same manner

[1] 1875, 395, § 40. Based upon laws regarding the sale of estates under executors and administrators and upon execution. 1830, c. 25, had the requirement for paying over the proceeds of a sale and for advertising in a paper. 1840, c. 4, provided for notice on a sign-post when the estate of an insolvent debtor was sold. 1874, c. 4, imposed the $100 limit for sales on execution.

[2] C. 72. [3] C. 29. [4] 1861, Oct., c. 2.

[5] 1863, c. 3, §§ 1, 2.

as trust funds, as well as to invest them in other real estate.[1]

After 1867,[2] if a ward's personal estate proved insufficient, the probate court was not required to order the sale of his real estate. Instead, it might direct the conservator

to mortgage the whole or any part of the real estate of his ward to secure any liability of such ward, or to raise money to pay the same or any mortgage upon his estate, or to repair or improve the buildings thereon, or to provide for the necessary support and education

of the ward. A mortgage thus executed bound, not the conservator, but the estate, provided he gave a bond properly to spend the money raised and to account therefor.[3] In 1849 [4] a conservator whose ward was a mortgagee was given authority to release the legal title to the mortgagor, or the party entitled thereto, on the payment, satisfaction, or sale of the mortgage debt.[5]

In 1869 [6] conservators were given the same power as executors or trustees to compel the delivery to them of property or documents belonging to the estate of their ward or anything tending to disclose its condition. If such delivery or disclosure was refused, without reasonable excuse, the probate court, upon complaint from the conservator, might cite the persons to appear and examine

[1] 1875, 347, § 5. That is (1875, 367, § 1), in mortgages on real estate in Connecticut double in value the amount loaned, in the bonds or loans of the United States, of Connecticut, or of any Connecticut town, city, or borough, or by deposit in any incorporated savings bank in Connecticut.

[2] C. 41.

[3] 1875, 57, § 26. The proviso was added by 1870, c. 55, and then applied to mortgages by guardians only.

[4] C. 31. [5] 1875, 355, § 22. [6] C. 13.

them on oath, with the power of committing to prison for failure to appear or to answer its interrogatories. No person might refuse to answer on the ground that his reply would tend to convict him of fraud, though his answer was not to be used against him in any criminal prosecution.[1]

In 1865[2] a conservator was empowered to represent state-bank stock in his control, "in all matters touching the conversion of said bank into a national banking association, and subscribe to its capital stock."[3]

An act of 1858[4] regulated the claims of a conservator upon the estate of his deceased ward. His claims and accounts, including his services and expenses, were to be presented and allowed like the claims of other creditors. This law was included in the revision of 1866,[5] but disappeared with that of 1875.[6]

DECISIONS

In addition to the two cases already cited, several decisions require brief notice.

The statute in force before 1875 authorized the appointment of a conservator for any person incapable of managing his affairs by reason of "idiocy, lunacy, age, sickness, or any other cause." The last phrase was declared in 1861

[1] 1875, 393, § 30. [2] C. 98, § 3. [3] 1875, 289, § 3.
[4] C. 57. [5] P. 518, §§ 19–21.

[6] In addition to these laws, the revision of 1875 retained, with verbal changes, the sections of 1838 specifying those for whom conservators might be appointed (p. 346, § 1), the procedure preliminary to an appointment (§ 2), the duty of conservators (§ 4), including the return under oath of an inventory (§ 3), the notice necessary before the sale of real estate (§ 8), and the disposition of the property on the restoration or death of the ward (§ 9); and empowering the court to remove conservators for cause, fill all vacancies (§ 3), require additional bonds, or cause the original bonds to be sued (p. 59, § 42).

to apply to a widow, with small children, living with a profligate man, who was the father of her two illegitimate children, and was wasting her estate and that of the legitimate children.[1]

Selectmen may authorize one of their number to investigate the affairs of a resident inhabitant of the town and, if thought proper by him, to make application for a conservator, signing their names thereto. An objection to the form of complaint may be made only in the probate court and may not be called into question collaterally.[2]

The service of the application for the appointment of a conservator upon a person in jail, whose house is in the possession of a new owner, is sufficient, if a copy is left with him at the jail.[3] The appointment of a conservator is invalid, if made before the time fixed for the hearing, even though the consent of the party was given. Such assent does not preclude his right of being heard against the appointment at the hearing.[4]

A court of probate has power to settle and allow the accounts of a conservator in the administration of the estate of his ward, after the conservator has gone out of office.[5]

A conservator has the right to enter the house of his ward, without the latter's permission and against his will, in order to make an inventory of his goods or to perform any other duties requiring such entry.[6] A conservator has no right

[1] Wickwire's Appeal, 30 *Conn.*, 86.

[2] 1861, State *v.* Hyde, 29 *Conn.*, 564.

[3] 1868, Dunn's Appeal, 35 *Conn.*, 82. [4] *Ibid.*

[5] 1859, *ante*, 28 *Conn.*, 268. This was in contradiction to the statements of the court in 1 *Conn.*, 70, and 5 *Conn.*, 427. The court's comments upon these decisions were given in the previous chapter.

[6] 1861, *ante*, 29 *Conn.*, 564.

to pay to another the moneys belonging to a ward, on condition that they be repaid if needed for his support, and that after his death they be paid to an heir. Such action by the conservator is virtually a settlement of the ward's estate before his death. If it has been done, the administrator of the deceased ward may recover what remains of the money.[1]

7. OVERSEERS

A few important changes regarding overseers were made. It will be recalled that the statutes enacted in 1821, which were in force in 1838, authorized selectmen, of their own volition and subject only to the county court upon appeal, to appoint an overseer for any inhabitant of their town who was in danger of being reduced to want. In case such person absconded or refused to obey the overseer, they might apply to two justices for the appointment of an overseer in the second stage, whose duties and powers were similar to those of conservators, except that he was subject to the town authorities and not to the county court.

In 1847[2] the authority of selectmen was increased. It was no longer affected by the removal from the town of the person for whom an overseer had been appointed, unless he gained a settlement elsewhere. Until then they might continue to reappoint the former overseer or appoint another.[3] Until 1869 they might under this law also secure an overseer in the second stage for an absent inhabitant. In this year[4] a law was passed to limit this power and to safeguard the interests of persons under overseers.

No overseer might be appointed for one to whom written notice of the time and place of the proposed appoint-

[1] 1849, Sanford *v.* Hayes, 19 *Conn.*, 591.
[2] C. 35.
[3] 1875, 350, § 5.
[4] 1869, c. 63.

ment had not been given at least five days in advance, and also an opportunity to be heard and show reasons why no appointment should be made.[1] If, however, the selectmen had previously lodged with the town clerk an attested copy of the notice, no conveyance or contract made after the service of the notice and before the time of the hearing was valid without the approval of the selectmen.[2] Any person under an overseer was given the right to apply to any judge of the superior court in vacation for the removal of the overseer. The judge might issue an order citing the town interested to appear and show cause why the application should not be granted, which was to be served with the application at least six days before the hearing. At the hearing the judge might remove the overseer if he thought best, and tax the costs in favor of or against either or neither party.[3]

This law repealed the sections regarding overseers in the second stage, and provided instead that if the person over whom an overseer had been appointed refused to submit and continued to waste his time and estate and to be likely to be reduced to want, the selectmen might apply to the probate court for the appointment of a conservator. The court was to be satisfied at the hearing that the overseer had been legally appointed and for just cause, and that the person had refused to submit, continued to waste his property, and was in danger of coming to want. If these facts were established, the court might then appoint a conservator with the rights and duties already described.[4]

[1] This last clause was omitted in 1875 as unnecessary.

[2] 1875, 349, § 1. [3] 1875, 350, § 4.

[4] *Ibid.*, § 3. The revision retained the sections specifying the method and term of appointment, the method of removal (§ 1), the duty of the overseer, and of the selectmen if the person reformed (§ 2), and the disability of the ward (§ 1).

DECISIONS

Three decisions regarding overseers were rendered between 1838 and 1875. The first of these was in the case of Mix *v.* Peck *et al.*[1] Three points in it call for notice.

The disability of a person under the care of an overseer being general, no necessity of which the overseer is legally competent and able to judge, will make a contract valid without his consent. Thus, one imprisoned on a binding-over for a criminal offense, could not transfer his property to bail without the consent of the overseer.

A man in custody upon a process by which he was to be committed to prison in another town, was still residing in the town and subject to the inspection of the selectmen notwithstanding the custody.[2]

When a person subject to an overseer never submitted to the appointment but appealed therefrom to the county court, and the selectmen, thereupon, without a trial, revoked the appointment, and the overseer assented to a contract previously made, it was held that such appeal, revocation, and assent did not validate the contract against an intervening attaching creditor.

In the second case, the court held that the appointment of an overseer in the second stage might legally be made over one who had been removed to an insane asylum in another state. The court was inclined to think that the overseer had complied with the statute in leaving with the town clerk an inventory of the property taken under his care, even though it was not signed by him and had no authentication on its face.[3]

[1] 1839, 13 *Conn.*, 244.

[2] This was before the passage of 1847, c. 35, just cited.

[3] 1847, Clark *v.* Whitaker *et al.*, 18 *Conn.*, 543. This reversed the superior court decision of 1792 (1 *Root*, 426) already cited, that an overseer could not be appointed over an insane person, but only a conservator.

According to the third decision, if two men were appointed overseers for one year and during the year one of them was appointed an overseer in the second stage, without any specification as to the term of office, the second appointment did not continue beyond the expiration of the first. It simply conferred additional powers and duties and not an independent trust.[1]

8. SUPPORT OF WIDOWS

There was no change in the law making the estate of a man dying without issue chargeable with the support of his widow in case of need. The liability was limited to the amount received, and it might be secured in the same manner as contributions from relatives.[2]

9. INTEMPERANCE

The laws of 1821 and 1823 against intemperance as a cause of poverty dropped out in the revision of 1866. Apparently they were superseded by the excise law of 1854,[3] which contained no such provisions. In 1872 [4] and 1874 [5] somewhat similar laws were enacted, which in turn were modified by the revision of 1875. This permitted any one to complain to selectmen that his "father, mother, husband, wife, or child" was "addicted to the use of intoxicating liquor," and to request in writing that the licensed liquor dealers be notified not to furnish liquor in any way to the one complained of. It was their duty at once to give such notice.[6] A violation of the notice meant the revocation of the license.[7] For selling to a minor, to an intoxicated person, to one known to be an habitual drunk-

[1] 1856, Washband *v.* Washband, 24 *Conn.*, 500. [2] 1875, 202, § 3.
[3] C. 57. [4] C. 99, §§ 5, 6. [5] C. 115, §§ 12, 13.
[6] 1875, 269, § 8. [7] *Ibid.*, 268, § 2.

ard, or to a husband or wife against a notice from the other, there was a fine of not less than $20 or more than $50, or imprisonment for not more than sixty days, or both. There was the same penalty for an individual, not a liquor dealer, who procured or furnished liquor for another contrary to a notice from selectmen.[1]

The characteristic of the period is seen in the provisions made for the institutional treatment of drunkards. In 1868 charters were granted to two corporations for the cure or care of inebriates. The incorporators of each were citizens of Connecticut and New York. One was Turner's Dipsomaniæ Retreat, to be located at Wilton, Fairfield county. Among the incorporators of the other, the Connecticut Invalid Home, were Leonard Bacon, Noah Porter, and Henry Ward Beecher.[2] In 1869[3] and 1873[4] committees were appointed to investigate the need of establishing a state inebriate asylum, and as a result the Connecticut Reformatory Home, known later as the Asylum at Walnut Hill, was incorporated in 1874.[5] The governor, lieutenant-governor, and secretary of state were to be of the principal officers.

In the same year[6] an act was passed regarding commitments to such homes. With the slight changes made in 1875, the law provided that persons might be committed who were habitual drunkards or dipsomaniacs or had lost their self-control by the use of narcotics or stimulants. The court of probate of the district in which they resided or were domiciled might investigate their cases upon the application of a majority of the selectmen or of any relative and after reasonable notice. There was to be no com-

[1] 1875, 520, § 42.
[2] *Private Acts*, 1868, pp. 214 *et seq.*, 237 *et seq.*
[3] *P. A.*, p. 308.
[4] *Ibid.*, p. 136.
[5] *Special Acts*, p. 273.
[6] 1874, c. 113.

mitment except upon the recommendation, under oath, of at least two "respectable" practicing physicians, after a personal examination within one week before the application or commitment. An habitual drunkard might be committed for not less than four or more than twelve months, and a dipsomaniac for three years. A dipsomaniac might after one year be allowed by the manager to go at large for such times and on such conditions as might be prescribed. Asylums might receive and retain for one year [1] those who personally applied. If a judge of the superior court [2] was informed that an inmate was confined unjustly, he might, not oftener than once in six months, appoint a commission of three to hear evidence, interview the party, and recommend his retention or, if he was illegally detained or was cured, his release. Managers of asylums might discharge inmates pursuant to their regulations. The estate of patients was liable for their support, while the expenses of proceedings were paid as the court directed.[3]

10. SUPPORT OF SLAVES

A word only need be said about the support of slaves. An act of 1848 [4] emancipated all slaves and placed upon masters, their heirs, executors, and administrators the responsibility for support in case of need. There was no exemption unless it had been granted by former laws. Slaves in want were to be relieved by selectmen and the towns might recover from those responsible. This law was included in the revision of 1866,[5] but that was the last appearance of the title "Slavery."

[1] 4–12 months under 1874, c. 113. [2] Or supreme court, before 1875.
[3] 1875, 99, §§ 12–17. [4] C. 79. [5] P. 675 *et seq.*

II. BASTARDY

A few minor changes were made in the bastardy law. In 1870[1] it was provided that where there was a court of common pleas,[2] the binding over should be to it. By the revision of 1875 the justice who issued a warrant upon the complaint of a woman need not have the respondent brought before him for hearing, but might have him taken before other proper authority.[3] Where there was no court of common pleas, the superior court had jurisdiction.[4] In order to make a *prima facie* case against the respondent, the mother had to be examined on the trial of the cause. This was in addition to the former requirement that she have continued constant in her accusation, being examined on oath and put to the discovery in time of travail.[5]

Changes in three closely-related laws were also made. While the very small penalty for fornication, a fine of not

[1] C. 85, § 5.

[2] The courts of common pleas were courts with civil jurisdiction above that of justices of the peace but below that of the superior court. They existed in 1875 in four counties. Those for Hartford and New Haven counties were established in 1869 (c. 93), that for Fairfield in 1870 (c. 22), and that for New London in 1870 (c. 87). In Litchfield county there was a similar court known as the district court, which was organized under an act of 1872 (c. 89).

[3] This latter alternative had not been allowed since 1821, except on complaints brought by selectmen. *Vid.*, 7 *Conn.*, 286.

[4] 1875, 469, § 1.

[5] 1875, 470, § 2. The remainder of the bastardy law received only verbal changes. It still provided for complaints by the woman, binding over or commitment to jail (p. 469, § 1), for continuance and renewal of bonds (p. 470, § 2), for trial, for the contribution towards expense of lying-in, nursing, and support for definite time, for the bond to perform the court's order and indemnify the town, or for commitment to jail, for payment of the allowance to selectmen, when necessary (§ 3), for prosecution by the town and giving bonds to indemnify it (§ 4), and for limiting the time of the suit (p. 495, §§ 13, 15), but the right to trial by jury was withdrawn, until granted again at the session of 1875.

more than $7 or imprisonment for not more than thirty days,[1] was retained, a penalty was provided in 1847[2] for seducing and committing fornication with any female under the age of twenty-one or for enticing or taking her away for this purpose, namely, imprisonment in jail for not more than one year and a fine of not more than $1,000. For a second offense, the same penalty might be imposed or the offender might be confined in prison for not more than three years and be fined not more than $2,000.[3] In the original law, if the girl's father was dead or was "not competent to sustain an action therefor," her mother or guardian might "recover damages for loss of service or for such aggravations as . . . attended the commission of the injury."[4]

In 1860[5] changes were made in the penalty for producing a miscarriage, except when necessary to preserve life. The responsible party or an adviser of such an act was, upon conviction, to be sentenced to prison for not more than five years or less than one year, or to be fined $1,000, or both. This was less severe than the former law,[6] which had made the only penalty imprisonment for not less than seven or more than ten years. One who knowingly aided in such an act was liable to the same imprisonment, or to a fine of $500, or both. The woman in question was also, upon conviction, to be imprisoned for not more than two years or less than one year, or to be fined not more than $500, or both. A fine of between $300 and $500 was imposed upon any one who in any way encouraged the commission of such offenses or furnished the necessary medicines. All of these offenders were to be deemed guilty of felony.

[1] "Or both," 1875, 511, § 5.
[2] C. 27.
[3] 1875, 511, § 4.
[4] 1847, c. 27, § 3.
[5] C. 71.
[6] 1830, c. 1, § 16.

This last provision and that for punishing accomplices were not included in the revision of 1875, which, like the revision of 1866, omitted the minimum penalties and gave first place to the fines. Otherwise, no change was made.[1] From 1864[2] to 1866 a witness might be compelled to testify in such cases and could not be excused on the ground that his testimony would tend to incriminate himself, though he was to be free from all prosecution except for perjury. This was evidently designed to enable the court to convict offenders.

In the revision of 1875 the word "birth" was substituted for "death" in the section punishing a mother for concealing the death of her bastard, though the marginal title remained unchanged. Which was the error cannot be stated, though the changed text has remained in subsequent revisions, the margin being changed to conform. The result is that two penalties, one much more severe than the other, were prescribed for almost identical acts: for secret delivery, a fine of not more than $150 or imprisonment for not more than three months;[3] for concealing a birth, a fine of not more than $300 and imprisonment for not more than a year, and being bound to the state in a recognizance, with surety, for good behavior.[4]

DECISIONS

Only three decisions bearing upon this subject were given during the period. Because the proceedings under the bastardy laws are criminal in form, though civil in nature, the justice before whom they are pending may require the defendant to enter into a recognizance for his future appearance and for abiding the judgment of the

[1] 1875, 499, §§ 11–13.
[2] C. 36.
[3] 1875, 512, § 10.
[4] *Ibid.*, § 11.

court. This method will answer as well as the regular binding-over. Such a case may be adjourned from day to day and the recognizance requires an appearance at all times fixed for future adjournments and whenever required by the court.[1]

Upon a bastardy complaint by a pauper mother, a selectman of the town where the child was settled gave bonds for the prosecution, under a mistaken belief that the town had assumed the maintenance of the suit. This did not give the town such an interest in the suit as to disqualify an inhabitant and taxpayer from acting as juror.[2]

Evidence or admissions showing that there had been illicit intercourse between the parties may be admitted as showing a habit of criminal intercourse and facilities for the same.[3] If the respondent voluntarily testifies in order to contradict testimony against him, he may be cross-examined, even though the answers tend to incriminate or disgrace him.[4]

This completes the preventive measures and the next topic is that of methods of poor relief.

III. Methods of Relief

1. Relief by Towns and State

A few changes were made in the laws prescribing methods, while in this period we get the first statistics of pauperism and learn the methods actually employed. Two committees of investigation were appointed. The first reported in 1852, the second in 1875. The changes made in

[1] 1864, New Haven *v.* Rogers, 32 *Conn.*, 221.

[2] 1872, Manion *v.* Flynn, 39 *Conn.*, 330.

[3] 1859, Norfolk *v.* Gaylord, 28 *Conn.*, 309.

[4] *Ibid.* The statute of limitations operated in this case as a bar to criminal proceedings.

consequence of the second report fall within the next period, but the facts were secured in 1874 and call for attention in this chapter. Each committee recommended the substitution of a county system of relief for the existing town system. This was so deeply rooted, however, that the recommendation was not adopted. The earlier report is valuable, as it sheds much light upon the amount of pauperism.

Each town was still required to support, through its selectmen, all its poor inhabitants, residing in the state, whose relatives could not legally be compelled to care for them.[1] After 1860[2] any parent of a minor child who neglected to support it and abandoned it to be supported as a pauper, might thereupon be deemed a pauper[3] and, like other paupers, was subject to the orders of selectmen, who might remove him to the almshouse or have him cared for by the contractor for town poor.[4] Previously, such a parent might have been sent to the workhouse or been assessed for support. This law gave a third possible penalty.

A fine of $15 a month was incurred, after January 1, 1855,[5] by a town which maintained an almshouse in another town without its consent or that of the selectmen, unless the almshouse was a union house owned in part by the town in which it was located.[6] Towns retained authority to establish almshouses separately or jointly.[7]

No change was made in the law imposing a fine of $7 on a selectman who neglected, as soon as notified, to care for a needy person in the town, who had no settlement there,[8] and individuals were still unable to collect from a town for supplies furnished a pauper against the express

[1] 1875, 199, §§ 1, 3. [2] C. 30. [3] 1875, 199, § 2.
[4] *Ibid.*, § 4. [5] 1854, c. 71. [6] 1875, 200, § 11.
[7] *Ibid.*, § 10. [8] 1875, 199, § 5.

directions of the selectmen or before they had notified one of them of the pauper's condition.[1] Selectmen were required by the revision of 1875 [2] to bury decently all paupers not belonging in the town. The former law had applied only to those belonging in other towns and had thus excluded persons without Connecticut settlements.

Towns continued to be liable to reimburse one another for aiding their paupers, unless the town of residence, after learning the name of the town of settlement, neglected to send the required notice within fifteen days, or within five days if it was within twenty miles. By 1875 each town had its own postoffice, and the notice by mail, prescribed as sufficient by former laws, was by that revision to be sent to the postoffice in the town of settlement.[3] The extent of the liability was twice increased. In 1857[4] it was raised from $1 a week to $1.50. In 1869 [5] it was fixed at not more than $3 a week for those over fourteen years of age, $2 for those between six and fourteen, and $1.50 for those under six.[6] The revision of 1875 made the allowance for the burial of a pauper $8 instead of $6.[7] Towns might still recover all such expenses from the towns of settlement.[8]

As seen before, a pauper away from his town of settlement might be removed to it by either town interested, though the revision of 1875 failed to provide for the removal of those not settled in the United States.

Towns were still responsible for former inhabitants who, after becoming settled in another state, came to want in Connecticut towns.[9] In 1872 [10] the law which made a town responsible for any person, not an inhabitant of a

[1] 1875, 199, § 4; 201, § 2. [2] P. 200, § 6. [3] 1875, 199, § 5.
[4] C. 54. [5] C. 25, § 1. [6] 1875, 199, § 5.
[7] *Ibid.*, § 6. [8] *Ibid.*, § 7. [9] *Ibid.*, § 9. [10] C. 73.

Connecticut town, who had supported himself there for six years, was repealed. The revision of 1849 had explicitly placed this duty upon the last town in which the pauper had supported himself for six years. In 1875, as will presently appear, the town of residence became liable for all such unsettled persons.

Several changes were made in the liability of the state. The revision of 1875 limited the term "state paupers" to a class for whom the state assumed responsibility in 1851.[1] These were indigent persons discharged from the state prison, who when convicted had no settlement in Connecticut, had not supported themselves in any town for six years, and had no relatives in the state able and liable to care for them, together with children born of such persons in the prison. All such were to be deemed state paupers and were to be supported by the state under the direction of the comptroller, apparently without any time limit.[2] The clause regarding the six-years' residence was meaningless in 1875, for, as just noted, such residence did not after 1872 make an unsettled person the legal charge of a town.

The liability for foreign paupers, that is, for all others without Connecticut settlements, was somewhat modified. Acts passed in 1839 [3] and 1842 [4] expressly required selectmen to care for paupers who were chargeable to the state as soon as they knew of their need. The immediate notice which one of them had been required by the statute of 1837 to give to the comptroller, in order to secure reimbursement from the state, was to be on oath and was to declare that the pauper was "verily" believed to be chargeable to the state.[5] In the revision of 1849 the clause making the state's liability begin a week after the giving of the notice was omitted, and the state became at once responsible to

[1] C. 42. [2] 1875, 200, § 1. [3] C. 35. [4] C. 40. [5] 1875, 201, § 4.

the town for the expenses incurred. As before, the state was not liable for one born in Connecticut or an adjoining state, for one who had ever been an inhabitant of Connecticut, or for one who was the proper charge of a town or individual.[1] Neither was it liable after the first three months of a pauper's residence in a town, unless for an illness which began within that time and rendered his safe removal impossible.[2] At the close of this period or the end of such illness, the selectmen were still required to send their account to the comptroller, with an affidavit giving the necessary facts about the pauper. The revision of 1875 made two significant changes at this point. Selectmen were no longer to allege that the pauper had been warned within the three months to depart or that the expense had been incurred by reason of sickness.[3] Thus the state assumed the expense during the three months even if no attempt had been made to send the pauper off, and whatever the cause of need. This removed the ambiguity referred to in the last chapter. The financial liability of the state for the care of such paupers, or their burial, was the same as that of towns to one another.[4] Unless relatives could legally be forced to support such paupers, after the expiration of the three months, the expense was to be "paid by such town during his continuance therein." [5]

Other laws retained from the previous period concerned the settlement of town accounts, the comptroller's reports to the legislature, and the letting of contracts for the support of state and foreign paupers.[6]

This law of 1875 was on the whole simpler than that of

[1] 1875, 201, § 3. [2] *Ibid.*, § 2. [3] *Ibid.*, § 4.

[4] *Ibid.*, § 3. The allowance of $8 for burial was made by 1866, c. 68.

[5] *Ibid.*, § 2.

[6] *Ibid.*, §§ 5–7. Literally, only "state paupers," not foreign paupers, might be supported by contract in 1875.

1838, its serious lack, from the towns' point of view, being the inability of the towns to remove paupers who were not "inhabitants" within the United States. The extent of this limitation would have depended upon whether the courts would have interpreted "inhabitant" in this connection as implying a settlement, as was invariably done until recently with reference to "inhabitants" of Connecticut. The case was never adjudicated, which may signify that no trouble was experienced from the omission.

DECISIONS

Several decisions given during the period call for attention.

How much property must one possess in order not to be entitled to town aid as a pauper? Four decisions were given on this point. The first case was that of a man who had no property, had been turned out of his former dwelling, and had no place to go to. The woman with whom he lived as his wife, and his children by her, were sick and in need. Under these circumstances the man was held to be a pauper, even though he was capable of earning 4*s.* a day.[1] In a case of 1844 the question at issue was whether a person had been prevented from gaining a settlement by commorancy because he had needed assistance as a pauper. The court held that the rule for determining this did not depend upon whether he owned real estate or property liable to be taken on execution, but whether he owned estate of substantial value which could be reasonably appropriated and made to contribute to his support otherwise than it did, as it was then occupied. This was a question of fact for the jury to decide.[2] Seven years later the court held that it was for the jury to con-

[1] 1841, Lyme *v.* East Haddam, 14 *Conn.*, 394.

[2] 1844, Wallingford *v.* Southington, 16 *Conn.*, 431.

sider whether the possession of two notes, on which later $7 was collected, prevented a man from being a pauper. They might hold that he had no property available for his support. If they decided that he was a pauper, the town was obliged to relieve him while within its limits.[1]

These were liberal interpretations. The last decision was of different tenor. The court held that a person who had a life interest in a piece of real estate, insufficient for his support, and who was unable to make up the deficiency by his labor, was nevertheless not entitled to support as a pauper so long as the property remained unexpended.[2]

A pauper who is temporarily within a town and needs relief is "residing" there within the intent of the statute and must be relieved by the selectmen.[3]

The law that a parent who abandons his minor child to be supported by a town shall be deemed a pauper and as such may be put under restraint, was, in 1869, held by the court not to be unconstitutional as conflicting with the provisions of the state or of the United States constitution with regard to the security of person. The town may act under this statute without having first exhausted other methods. A father had obtained a divorce from his wife on condition that A. should be guardian of their minor children and that they should be given his house for their support. Upon this, his wife withdrew her opposition. He conveyed the house to the children but refused to surrender possession of it or to support the children unless the guardian would give them up. The town took him into custody at the almshouse as a pauper. This action was declared legal.[4]

[1] 1851, New Milford *v.* Sherman, 21 *Conn.*, 101.

[2] 1867, Peters *v.* Litchfield, 34 *Conn.*, 264.

[3] 1859, Trumbull *v.* Moss, 28 *Conn.*, 253.

[4] 1869, McCarthy *v.* Hinman, 35 *Conn.*, 538.

Town A. has cause for action against town B. for aid furnished a pauper belonging to B. even though, through a misunderstanding regarding the location of a house, A. had removed the pauper from a house located in B. to the almshouse of A. This did not estop A. from showing the truth or preclude recovery.[1] If relief is given to a man and his family, when he is not settled in Connecticut, but his wife and, through her, their minor children are, it is not to be regarded as wholly for him, but the wife's town is liable for the supplies furnished to her and the children.[2] By a statute making a person chargeable to a town, a minor child, residing in his family and a pauper, is chargeable to the same town, though no settlement is conferred thereby.[3]

Much litigation has arisen over the notice which a relieving town is required to give the town of settlement in order to be reimbursed. A notice to selectmen in these words, "E. H., wife and children of your town, are here, sick, and on expense," was sufficient as to E. H. and his wife, but not as to the children. The statute requires the names of paupers to be sent and this designation did not indicate which or how many of the children were paupers. No verbal information will remedy such a defect.[4] A notice that "Mrs. Phelps, an inhabitant of M., is on expense in the town of S." was not sufficient, because it did not state the pauper's name. The defect was not cured by evidence that there was no other person in M. to whom that name would apply, though if the notice had so stated it might have been sufficient.[5] The designation of a pauper

[1] 1851, *ante*, 21 *Conn.*, 101.

[2] 1868, Goshen *v.* Canaan, 35 *Conn.*, 186.

[3] 1871, Bridgeport *v.* Trumbull, 37 *Conn.*, 484. *Cf.* 34 *Conn.*, 270. *Vid. ante*, p. 176.

[4] 1846, Middletown *v.* Berlin, 18 *Conn.*, 189.

[5] 1865, Salem *v.* Montville, 33 *Conn.*, 141.

as "the infant child of A. P." is sufficient, for all the statute requires is that definite information be given as to the person.[1]

While the keeper of an almshouse has the right to maintain order and to that end may, when necessary, use a reasonable amount of preventive force, he may not confine and chain a pauper, although of a turbulent character, where there is no such impending danger from him as to make it necessary, even though the selectmen directed him to restrain the pauper if necessary.[2]

Selectmen have full power to settle an account presented by another town for supplies furnished a pauper. Such a payment is in the nature of an admission that the pauper is settled there, and the fact is, therefore, evidence against the town in a subsequent suit for other supplies furnished the same pauper.[3] Selectmen may not, by virtue of their authority as overseers of the poor, collect and discharge the debts of a pauper settled in and supported by their town.[4]

2. STATE BOARD OF CHARITIES

Probably the most important law passed during the period, so far as methods of poor relief were concerned, was the statute of 1873[5] establishing the state board of charities. It was to consist of three men and two women, appointed by the governor and removable by him at his pleasure and for incompetency or unfaithfulness. Their duty was declared to be

[1] 1871, Washington *v.* Kent, 38 *Conn.*, 249.

[2] 1867, State *v.* Hull, 34 *Conn.*, 132.

[3] 1860, Sharon *v.* Salisbury, 29 *Conn.*, 113; *cf.* 1854, Marlborough *v.* Sisson *et al.*, 23 *Conn.*, 44.

[4] 1871, Fielding *v.* Jones, 38 *Conn.*, 191.

[5] C. 45.

to visit and inspect all institutions in this state, both public and private, in which persons are detained by compulsion for penal, reformatory, sanitary, or humanitarian purposes, for the purpose of ascertaining whether the inmates of such institutions are properly treated, and (except in cases of detention for crime upon legal process) to ascertain whether any of such inmates have been unjustly placed or are improperly held in such institutions.

They had "power to examine witnesses . . . send for persons and papers, and . . . to correct any abuses," provided the measures taken did not conflict with personal, statutory, or corporate rights. So far as practicable they were directed to act "through the persons in charge of such institutions, and with a view to sustaining and strengthening their rightful authority." No action could be taken against the approval of such, except at a meeting at which at least four members were present, or by a written order signed by a majority of the board. An appeal might be taken to the governor.[1]

Institutions were to be visited by the board or by some member frequently and at their discretion. The visits to the prison, reformatory schools, and insane asylums were to be as often as once a month, and, so far as practicable, by one man and one woman of the board, without any previous notice. It was the duty of the board at every such visit to afford the inmates an opportunity for private conversation with some member. Any communication directed to a member by an inmate was to be forwarded to the post-office without inspection or delay. The duties of the board were "limited to the supervision of the physical and moral welfare and personal rights of the inmates of such insti-

[1] 1873, c. 45, §§ 1, 5.

tutions." "The right of authoritative supervision in these respects" previously conferred upon other boards ceased.[1]

The board was to make an annual report to the governor, giving facts to be laid before the public and suggesting additional legislation. The members were to be allowed their expenses, after they had certified on oath to the comptroller the number of days they had served and the amount and items of their expenses.[2]

The revision of 1875 embodied this law in substantially the same form. It provided that the board might inspect all incorporated hospitals and must inspect all institutions in which persons were detained by compulsion. The visits were to be made by at least one member of each sex,[3] and the members' expenses to be paid by the state as audited by the comptroller.[4]

While their duties included those often entrusted to several boards and it was many years before they performed their duties in an adequate manner, it was a most important step to empower a body to inspect, not only penal institutions, but almshouses, insane asylums, and the new reformatory schools.

In addition to the multiplicity of functions, the greatest defect in the law was that no provision was made for paid employees. Satisfactory service could not be performed by the unpaid members of the board.

3. INVESTIGATIONS OF 1851 AND 1874

Such were the legal changes and decisions during the period. The records show clearly that there was much dissatisfaction. In 1851 a joint select committee reported that the question of state and town paupers was in "their

[1] 1873, c. 45, §§ 2, 3. [2] *Ibid.*, §§ 4, 6. [3] 1875, pp. 19, 20.
[4] 1875, 173, c. 2.

opinion a subject of vast importance to this state, and one which your committee are of opinion should have an entire new system adopted." [1] They recommended a recess committee which reported the following year. In 1854 [2] another committee was appointed to revise the laws regarding paupers and report to the next session. In 1874 [3] the governor was directed to appoint a committee of two to prepare a complete code of laws regarding inhabitants, settlement, and the support of paupers, incorporating therein the decisions of the courts and the common law of the state, together with such alterations as might be necessary to remove all doubts, inconsistencies, and contradictions, and, as far as practicable, provide a system that could be understood by the people. The reports of two of these committees are of interest to us, those submitted in 1852 and 1875. The latter, to be sure, falls within the next period, but its facts concern the close of this period and are properly considered here.

The committee of 1851 sent to each of the 149 towns blanks for the statistics of pauperism. One town had just been formed and could hardly have facts to report. Of the remaining towns, 133 submitted more or less complete returns. Upon the basis of these, the committee estimated the cost of pauperism as follows:

Expense of support by towns. Reports . . .	$80,112.05
Add for remaining towns the estimate	9,638.00
Expense of litigation. Reports and estimate .	7,400.00
State contract	2,200.00
	$99,350.05 [4]

What proportion was this of all the public expenditures?

[1] *Rep. Comm. on Town and State Paupers*, 1852, p. 3.
[2] *P. A.*, p. 233. [3] *S. A.*, p. 332. [4] *Rep. of Comm.*, pp. 6, 9.

The town expenses for the year ending November, 1851, are given in the *Connecticut Register* for 1852.[1] This was approximately the year covered by the committee's report. The returns are incomplete. Only 99 towns reported their expenses with any approach to accuracy. The totals given and the sums of the items do not agree. By testing the figures in various ways, however, it was found that the percentages varied little and we get approximate results.

The average cost to the towns of supporting paupers during the preceding year was given by the committee as $602, while the *Register's* figures make it only $537. The difference is very likely accounted for in part by the fact that the expenditures of the cities of Hartford, New Haven, and New London are not in the *Register.*

By the figures in the *Register,* pauperism caused an expenditure by 99 towns of $53,095, or 32.7 per cent. of their total expenditures. Leave out the amounts for roads and bridges, and the paupers cost 63 per cent. of all the remaining expenses.

An estimate of the total expenditures of the towns upon the basis of the *Register's* figures, gives the following:

Total expenditures of 99 towns		$162,366.00
An average of		1,640.00
Expenditures of 148 towns at $1,640		$242,720.00
State expenses for year ending March, 1851		110,214.47[2]
Total public expenditures		$352,934.47
Total expenses for paupers (Report) excluding litigation	$91,950.05.	26 per cent.
Total expenses for paupers including litigation	99,350.05.	28 per cent.

In other words, the cost of pauperism was approximately equal to

[1] P. 97 *et seq.*

[2] *Rep. of Comptroller,* p. 32.

32.7 per cent. of all the expenses of the towns.
63 per cent. of all the expenses excluding roads and bridges.
90 per cent. of the cost of the state government.
28 per cent. of the total expenditures of state and towns.

There were great inequalities in the burdens of the towns. Thus, the average expenditure of the town of Waterbury was $320, amounting to a tax of 3 mills on a dollar on its total valuation of $103,824.42, while that of the little town of Wolcott, with a valuation of only $8,960.43 was $400, equal to a tax of nearly 45 mills, or fifteen times the tax in Waterbury.[1] On the other hand, the expenditures for town paupers in the counties, compared with their total valuations, were[2]

Hartford	12 mills.
New Haven	13 mills.
New London	15 mills.
Fairfield	11 mills.
Windham	17 mills.
Litchfield	16 mills.
Middlesex	9 mills.
Tolland	26 mills.
State	14 mills.

Fairly complete statistics were secured as to the age, sex, and nativity of the paupers.

Of 3,681 paupers aided or supported during the preceding fiscal year, there were[3]

Males	1817	49.3 per cent.	
Females	1864	50.7 per cent.	
		100.0 per cent.	
Paupers 10 years old and under	807	21.9 per cent.	46.2 per cent.
Paupers 60 years old and over	892	24.3 per cent.	
Paupers over 10 and under 60	1981	53.8 per cent.	
	3680	100.0	

[1] *Rep. of 1852*, p. 10. [2] *Ibid.*, pp. 30, 31. [3] *Ibid.*

For 3,600 paupers the nativity was given:[1]

Foreign born	884	24.6 per cent.
Born in U. S., not in Conn.	502	13.9 per cent.
Born in Conn., in other towns	625	17.4 per cent.
Born in towns where supported or aided	1589	44.1 per cent.
	3600	100.0 per cent.

972 paupers, or 26 per cent., were reported as habitual drunkards.[2] There were 300 defective paupers:[3]

Idiots	135	3.7 per cent.
Insane	165	4.5 per cent.
	300	8.2 per cent.

The town officers were asked to report how many paupers were able to earn their whole support, one-half of their support, or none at all. 3,211 paupers were classified thus:[4]

Able to earn half	914	28.5 per cent.
Able to earn whole	1190	37.0 per cent.
Able to earn none	1107	34.5 per cent.
	3211	100.0 per cent.

That is, over 65 per cent. might be made at least partially self-supporting. The towns with the most paupers, and therefore the greatest incentive to make them self-supporting, placed the proportion the highest. Thus, Hartford reported two-thirds and New Haven four-fifths as capable of self-support.[5]

As to the methods of poor relief, 37 towns, or 28 per cent. of those reporting, reported almshouses. If the delinquents were small towns without almshouses, the per-

[1] *Rep. of 1852*, pp. 30, 31. [2] *Ibid.* [3] *Ibid.* [4] *Ibid.* [5] *Ibid.*, p. 7.

centage would be 25. There was no almshouse in Tolland county, but 3 in Fairfield, and 4 in Middlesex. Windham reported 5, Hartford, New London, and Litchfield 6 each, while New Haven led with 7. Eighty-six towns supported paupers by contractors, 46 by selectmen, while 2 used both methods.[1] Nine towns without almshouses were supporting 30 or more paupers, the largest number being 56, cared for by the contractor in Windsor.[2] Eight towns with almshouses had 50 or more paupers. New Haven headed the list with 539, followed by Hartford with 300, Norwich with 223, and New London with 116.

The towns with almshouses reported 517 pauper children 10 years old and under. Of these, New Haven had 184, while Hartford and one other town reported 40 each. It was not stated how many of these were actually in the almshouses.[3]

As a result of their investigation, the committee recommended the substitution of relief by counties for the town system. They were convinced

> that were the paupers of the several towns congregated at proper points in larger numbers, much benefit, now lost, might be derived from their judiciously directed labor, aside from many other advantages, and aside also from a more economical mode of support, as well as a more humane method of moral and social treatment.[4]

They recommended that each county support all born within it, unless they had resided for a fixed period, five or six years, in the county where they came to want; and that an equitable proportion of the expense for paupers without

[1] *Rep. of 1852*, p. 8. [2] *Ibid.*, pp. 14–29. [3] *Ibid.* [4] *Ibid.*, p. 7.

settlements be paid by the state upon the finding of the county commissioners. They believed that

> such a plan would conduce . . . , to the much more economical support of the unfortunate poor, . . . to a more humane and comfortable mode of care and treatment, by allowing facilities for classification, arrangement, and general method and order; . . . and to an entire discontinuance of the present evils of litigation so continually arising from this source . . . Mere food and raiment, are not enough. The virtuous, aged, and infirm, should be fostered with respect, and in substantial ease and comfort; the sick should have kind and careful ministrations; the able should be required to labor for the common support, according to their real strength and ability; the young should be properly trained and educated, and all should be surrounded by a genial, moral and social home influence.[1]

This report was too advanced and nothing was done. While it may possibly have erred in suggesting too great comfort, its adoption would have simplified the system, saved expense, equalized burdens, and secured the differentiation which in part came many years later and in part is yet to come.

The report of the commission appointed in 1874 to revise the poor laws was of less value, for they secured returns from only 87 towns, containing two-fifths of the population of the state. No report was received from Hartford, New Haven, New London, or Norwich.

The number of paupers reported was 3,312. If this was typical, the total for the state was 7,830. On the basis of the 3,680 paupers reported by 133 towns in 1851, the state then contained 4,100. That would indicate an increase of 91 per cent. in 23 years. By like calculations, the cost of

[1] *Rep. of 1852*, pp. 12, 13.

town paupers had risen from $89,700 in 1851 to $317,000 in 1874, an increase of 250 per cent.[1]

The cost of supporting paupers varied from 75 cents a week in Hebron to $3.50-$4.50 a week in Wallingford, while East Haddam reported its cost as from $2 to $8 a week.[2] For the whole state, the calculated average was about $2.50 a week. The commission stated that in some adjoining states, with the county system, the cost ranged from $1 to nothing a week and the paupers received better care than in Connecticut.[3]

Nineteen towns relieved entirely at almshouses, Stamford caring thus for the largest number, 30. Twelve towns relieved entirely in the paupers' homes. Sixteen towns, including Hebron, cared for their paupers by contract with the lowest bidder. Nine supported their poor on town farms. Seven hundred and thirty-seven out of 3,312 paupers were in the almshouses, or 22 per cent.[4]

The avails of pauper labor reported were $3,925, of which $3,000 was from Bridgeport.[5]

There was no report from New Haven, but the commission stated that its almshouse, with 150 inmates, had for several years paid its expenses and left a handsome balance. They saw no reason why county almshouses, systematically conducted, would not be equally successful. Their recommendation that the town farms be sold and the proceeds used to secure county almshouses, was not adopted; but their report regarding the laws of settlement was, and it will be considered in the next chapter.[6]

The figures for the expenditures of the state for paupers since 1845 are available and present some strange irregularities.[7] In 1849 the amount was $1,100, while the next year,

[1] *Rep. of Commission to Revise the Pauper Laws*, 1875, pp. 5–8.
[2] *Ibid.* [3] *Ibid.*, p. 10. [4] *Ibid.*, pp. 5–8. [5] *Ibid.*
[6] *Ibid.*, pp. 10–11. [7] *Vid. P. A.* for years in question.

1850, it more than doubled, reaching $2,229. This was the maximum until 1873. The average for the years 1845-1867 was $1,717, during the last ten of which the cost was fairly regular, being $1,578 at the close. Then began a curious fluctuation. The figures for the remaining years to 1874 were as follows:

1867	$1,578.00
1868	300.00
1869	596.00
1870	965.00
1871	1,851.50
1872	1,425.00
1873	3,416.50
1874	2,766.42

I have been unable to discover in the laws any changes which even suggest the causes of the fluctuations.

Hitherto the laws regarding sickness have been of so general application that they have been considered with the methods of poor relief. Before the close of the period 1784-1838 their application was restricted to the sick and they now come under special legislation.

4. EXEMPTION FROM TAXES

Several changes were made in the laws regarding the abatement of taxes. The assessors and board of relief retained their power to abate the poll-tax of indigent, sick, and infirm persons in their towns, not to exceed one-tenth of the taxable polls. Reasonable notice of the time and place of the meeting for this purpose was to be given.[1] The amount of the tax varied. In 1838 polls were listed at $20. In 1843 [2] they were reduced to $10 and in 1860 [3] placed at $300. In 1868 [4] it was enacted that the poll-tax for state and town purposes should not exceed one dollar.[5]

[1] 1875, 160, § 42. [2] C. 43. [3] C. 15, § 2.
[4] C. 103. [5] 1875, 154, § 10.

No abatement of state taxes was permitted at the close of the period. The revision of 1866[1] had provided that "the selectmen . . . shall cause the gross amount of the tax . . . to be paid into the treasury of the state . . . without any abatement or deduction." The revision of 1875 had a similar provision.[2]

Local officials retained the power to abate local taxes. In its final form, the section read:

> The selectmen of towns, the mayor and aldermen of cities, the warden and burgesses of boroughs, . . . may abate the taxes assessed by their respective communities upon such persons as are poor and unable to pay the same; and shall present to each annual meeting . . . a list of all persons whose taxes they have abated in the preceding year.[3]

A statute of 1844[4] exempted from taxation the personal and real estate of persons of color. This remained on the statute books until its repeal in 1871.[5]

5. LEVY OF TAXES

The power of selectmen to levy taxes for town purposes, including the care of paupers, if the town neglected to grant the necessary tax, remained the same.[6] In 1854[7] the selectmen were also given authority to appoint a tax collector if the office became vacant or the town failed to appoint such an officer.[8]

IV. Special Legislation

1. VAGRANCY

The first topic under the head of special legislation is that of workhouse laws, for the separation of vagrants, tramps, and petty criminals from paupers.

[1] P. 721, § 57. [2] P. 161, § 1. [3] 1875, 162, § 10. [4] C. 30.
[5] C. 6. [6] 1875, 161, § 47. [7] C. 22. [8] 1875, 26, § 4.

It will be recalled that the revisions of 1821 and 1838 substituted for county workhouses town workhouses, though at least one law still permitted a sentence to a county workhouse. In 1840 [1] a committee was appointed to prepare a bill for the next session to make county jails, erected on the plan of the Hartford jail, county workhouses, and to specify the offenses for which persons might be committed.

The law was passed in 1841.[2] When a jail had been fitted for this new purpose, the judge of the county court and the county commissioners [3] were to certify to the fact under their hands or the hands of a majority of them, and have the certificate recorded in the county records. They also made the rules for the government of the workhouse. Thereafter persons subject to confinement in a county workhouse might be committed to the jail.[4] The maximum term was made 60 instead of 40 days for a first offense, 120 for a second, and in either case until the costs of prosecution and commitment had been paid. Those who might be sentenced to a county workhouse were those already liable to confinement in a town workhouse, and the justice might commit to either at his discretion.[5] The right to release a reformed inmate was entrusted to three inspectors,[6] appointed by the judge and the commissioners,[7] who were also to apply the avails of each prisoner's labor, except a convict's, towards his support and the costs of commitment, including the fine, if any, and to use the balance at their discretion for the support of his family or otherwise for his benefit.[8] If the inspectors decided that any

[1] *P. A.*, p. 38. [2] C. 21.

[3] Three in number, appointed by the general assembly (1875, 22, § 1).

[4] 1841, c. 21, § 1. [5] *Ibid.*, § 8. [6] *Ibid.*, § 9.

[7] *Ibid.*, § 5. After 1866 (p. 644, § 82) by the commissioners.

[8] *Ibid.*, § 7.

inmate of a county workhouse should be released because of good conduct or the state of his health, they might release him upon the payment of what was due for the cost of prosecution, commitment, and support. If he was unable to pay this, they might accept his note, payable to the town treasurer where he was committed, and discharge him. The town paid the amount and received the note.[1] This might also be done for one held only for fine and costs.[2] A later law [3] conferred a similar power upon the state's attorneys in the counties. With the advice of the superior court or, in vacation, of any judge of the court, they might release a convict in a jail or county workhouse who was held "for non-payment of fine and costs only," if he had "no means of satisfying the same." The attorney took his note and, if possible, security for its payment. No justice or judge of a police or a city court had authority to discharge.[4]

The law of 1841 permitted any one convicted of a crime punishable by imprisonment in the county jail to be confined instead in the workhouse.[5] By an act of 1845 [6] those liable to sentence to a workhouse, upon the complaint of a grand juror, might, at the discretion of the justice, be committed to the workhouse or to the jail. Except that the two institutions were practically identical, this would have been against a wise differentiation. In the revision of 1875 [7] this was retained, as was also the law of 1830,[8] given in chapter three, which permitted justices to send for not more than ninety days to town workhouses convicts who would otherwise have been confined in the county workhouses or jails.[9]

[1] 1841, c. 21, § 9. [2] *Ibid.*, § 11. [3] 1857, c. 31; 1862, c. 30; 1875, 540, § 23.
[4] Before 1857 this power applied only to jails, not to workhouses.
[5] 1841, c. 21, § 10. [6] C. 30. [7] 1875, 110, § 17. [8] C. 1, § 146.
[9] 1875, 535, § 13.

The revision of 1849 [1] reënacted both the laws for town workhouses and those for the use of county jails as workhouses, without change, except that the sentences to the former were made the same as to the latter, and appeals might be taken from any order by a justice to the county court, as allowed by the act of 1841.[2]

By laws of 1853 [3] and 1859,[4] the surplus of the earnings of convicts was to be paid to the state on or before March 4 each year.

The revisions of 1866 [5] and 1875 [6] made this the rule for any surplus from the earnings of county workhouses over and above necessary expenses. The former law regarding the use of the surplus earnings in town workhouses for the support of the families of the inmates was repealed in 1866,[7] perhaps because no surplus was obtained.

Only minor changes were made during the period in those who might be confined in workhouses. One wise provision was added in 1866,[8] namely, that those liable to commitment to workhouses were in no case to be committed to the state reform school. This was the newly organized institution for boys.

In 1845 [9] permission was granted the county commissioners to employ a chaplain or religious instructor for jails and workhouses, prescribe his duties, and pay him out of the net earnings of the institution.

The revision of 1875 [10] made no important changes. Appeals were to the superior court,[11] and county commissioners alone certified to the existence of the county workhouse and appointed inspectors. The certificate was to be recorded in the records of the superior court.[12]

[1] Pp. 554–559. [2] C. 21, § 8. [3] C. 72. [4] C. 23. [5] P. 644, § 84.
[6] P. 110, § 14. [7] P. 642, § 73. [8] *Ibid.*, § 75. [9] C. 29.
[10] Pp. 108–110. [11] 1875, 536, § 1. [12] 1875, 109, §§ 9, 12.

2. CARE OF SICK

The purpose of the laws regarding sickness in 1875 [1] was the same as in 1838, to check contagious and infectious diseases. The period, however, saw the incorporation of two additional hospitals and the first appropriations for the support of private hospitals.

In 1854 [2] an annual appropriation of $2,000 was granted to the General Hospital Society of Connecticut for its hospital in New Haven. It was to be expended, under the direction of the governor and the commissioners appointed by the general assembly to visit and superintend the hospital and report their findings, for the support of charity patients and to be used so as to benefit the different towns as they made application.

In the same year, 1854,[3] the Hartford Hospital was incorporated. One year later,[4] the comptroller was directed to draw upon the treasurer for $10,000, payable to the treasurer of the Hartford Hospital, when evidence was submitted that $20,000 had been subscribed and paid in by private individuals, and satisfactory obligations had been given that the hospital would be open to receive on equal terms mariners and other persons from all parts of the state. $20,000 was appropriated in 1869,[5] on condition that an equal amount be subscribed for building purposes. Two years later [6] a like amount was voted, to be paid when $11,000 had been raised towards paying the debt for building purposes. Besides these sums, $2,000 was granted in 1860 [7] for charity patients, and a year later [8] it was made an annual appropriation.

Previously, the same thing had been done indirectly for

[1] Pp. 258–260. [2] *P. A.*, p. 218. [3] *P. A.*, p. 160 *et seq.*
[4] *P. A.*, 1855, pp. 189, 190. [5] *P. A.*, p. 294. [6] *P. A.*, 1871, p. 246.
[7] *P. A.*, p. 161. [8] *P. A.*, 1861, p. 71.

the General Hospital Society. It was the custom in the years 1849-1852 to require a bonus from newly-chartered banks, which were directed to pay it to some charitable or philanthropic society. Two of these bonuses, for $5,000 and $2,000, were ordered paid to the General Hospital Society.[1]

After the precedent of public appropriations to hospitals had been established, the General Hospital Society demanded its share. The grant of 1869 to the Hartford Hospital was duplicated for New Haven on the same terms.[2] Five years later[3] $50,000 was granted, payable when $15,000 had been given or subscribed.

In 1866,[4] aid was also given to a new homeopathic hospital. The amount was $10,000, conditioned upon the spending upon grounds and buildings of an equal sum raised by private subscription and upon an agreement that the hospital be open to the practice of physicians of whatever school the patients desired.

Near the close of the period, in 1871,[5] the Hartford dispensary was incorporated. New Haven followed in 1872.[6] These were private institutions and were not aided by the state.

3. PROTECTION OF INDIANS

The laws in 1875 for the protection of Indians were not very different from those of 1838. An overseer was to be annually appointed by the superior court of the county for each Indian tribe, to care for its lands and money. He was to give a bond, with sufficient surety, "in a sum one-third[7] more than the amount of the estate of such tribe," conditioned upon his faithfully accounting for the tribe's property.[8] Each year he was to settle his account with the

[1] *Leg. Docs.*, 1857, no. 20. [2] *P. A.*, 1869, p. 300. [3] *S. A.*, 1874, p. 335.
[4] *P. A.*, p. 163. [5] *S. A.*, p. 72. [6] *S. A.*, pp. 33, 34.
[7] 1855, c. 65, § 2. [8] 1875, 5, §§ 1, 2.

superior court and submit to it his report, a copy of which was also to be filed in the office of the town clerk. He was to give

> the amount and condition of the fund of such tribe, his estimate of the value of its lands, the income annually received by him, and the amount annually appropriated and expended by him for its benefit, specifying the items furnished and received, and also the number and condition of such tribe.[1]

The old fine for selling or giving liquor to Indians was retained, except that the fine was $2 for each sale or gift, not for each pint of liquor furnished.[2]

Conveyances of land by Indians were still void, and no judgment might be rendered against an Indian in an action on contract, except for the rent of land hired and occupied by him.[3] With somewhat different wording, the law forbidding the defendant in a suit by an Indian for the recovery of land to plead the statute of limitations, was retained throughout the period.[4] After the revision of 1849[5] the laws regarding taking wood from the land of Indians applied expressly to any tribe.[6] In 1852[7] an act was passed by which the county[8] court might, on terms prescribed by it, order the sale or exchange of any property of a member of an Indian tribe, on his application, served on the overseer like process in civil actions, at which sale or exchange the overseer might purchase and take conveyances of the property for and in the name of the tribe.[9] After 1872 this did not apply to the Mohegan tribe, who

[1] 1875, 5, § 3. [2] *Ibid.*, § 8. [3] *Ibid.*, §§ 4, 5. [4] *Ibid.*, § 6.
[5] 1849, 442, § 8. [6] 1875, 6, § 7. [7] C. 55.
[8] After 1855 (c. 26) the superior court.
[9] 1875, 6, § 9. The former law had permitted such action only when an Indian was to leave the state.

came under an act [1] that conferred upon them citizenship and regulated the holding of their property.[2]

In 1872 [3] there was a revival, in modified form, of the old law of the colonial period for the indenturing of Indian children. It was the duty of the overseer of a tribe, with the assent of two justices of the town, to indenture any children whose parents suffered them to live in idleness or did not provide competently for them, whereby they were exposed to want, and any children of the tribe who were idle or exposed to want. They were to be bound to "some proper trade, males till the age of eighteen years, and females till the age of sixteen years, or to the time of their marriage within that age." [4]

4. CARE OF INSANE

The care of the insane attracted much attention between 1838 and 1875. Before 1838 measures had been taken, it will be recalled, to confine dangerous lunatics, but little had been done for others. The subject was investigated several times and after tentative measures had failed, the erection of a state hospital for the insane was authorized in 1866.

In the spring of 1837 individuals in the state had sent out to the towns a set of questions similar to those of 1821.[5] On the basis of the returns, they concluded that there were no fewer than 900 insane persons in the state, about one-half of whom were paupers. Many others were cared for at home by relatives who could not afford to support them elsewhere. The facts were presented to the assembly in a memorial from the directors of the Retreat for the Insane. This was continued until the next session and a committee of three appointed to investigate.[6] They were to ascertain

[1] C. 67. [2] 1875, 553. [3] C. 83. [4] 1875, 193, § 4. [5] *Vid. ante*, p. 157.
[6] *Rep. Select Joint Comm. on the Insane Poor*, 1841.

the number, age, sex, and condition of all insane persons in Connecticut, and the best and most effectual means for giving relief, and to report the cost of any institution deemed necessary, recommend a location, and give the facts required for definite action.[1]

The committee secured from the selectmen of 118 out of 136 towns the number of their inhabitants who were insane or idiotic. These reported:

	Males.	Females.	Total.
Number wholly supported by town	129	192	321
Number partially supported by town . . .	86	59	145
Number supported by charity	100	141	241
Grand total	315	392	707

There were 3 insane convicts in jails. The number would have been greater had it not become almost the uniform practice of the courts to clear ordinary criminals when they were proved to have been insane at the time of committing the crime. The result was that criminals feigned insanity in order to escape punishment. Seven insane convicts had been in the prison during the year, of whom 4 had been discharged because their terms had expired. The committee believed that there were probably more than 70 sufferers who were confined in cells or by chains, that there were at least 900 insane and idiotic persons in the state, and that 60 persons became insane each year. They recommended the establishment of a state institution to accommodate 120 patients and to be located on a plot of at least fifty acres of land. They suggested the advisability of having it near the Retreat in order that the two institutions might be under the same medical supervision. They believed that drunkards should be confined as well as the

[1] *P. A.*, 1837, pp. 26, 27.

insane, holding that drunkenness was a real disease. They thus anticipated by thirty years the measures already described for the treatment of inebriates.[1]

The following year, 1839, another committee reported to the legislature. They had consulted the directors of the Retreat and learned that for not more than $25,000 sufficient land could be secured near the Retreat and buildings erected thereon to accommodate 150 patients. The Retreat would care for these at the rate of $2 a week. The committee, however, favored a separate state hospital, which they thought would seem less like a pauper institution than a hospital located beside the more expensive private Retreat. They introduced resolutions providing for the appointment of commissioners, one from each county, to select a location and purchase not less than eighty acres of land. These commissioners were then to select not more than three persons to erect a hospital for 150 patients. $20,000 was to be appropriated for lands and buildings. In accordance with a proposal of the warden of the state prison, the surplus of the earnings of the prison convicts was to be used to defray the running expenses of the hospital, and the remaining expense was to be borne by the towns to which the patients belonged.[2]

The legislature did not make the appropriation, but appointed a committee to select a site.[3] Their report was submitted to the assembly in 1840. They unanimously recommended the erection in Middletown of a state institution for the insane, explaining that while the expense would be considerable, it would be true economy, as it would save the expense of supporting those cured by prompt treat-

[1] *Rep. Comm. on Insane Poor in Conn. to Gen. Ass.*, May, 1838.

[2] *Rep. Comm. Relative to the Insane Poor of the State*, 1839.

[3] *P. A.*, 1839, pp. 59, 60.

ment, who would otherwise be permanent public charges. In the course of their report, they declared

The Christian and the philanthropist hail with rapture the discovery, (for so it may be termed,) of that course of treatment and of management, which dispels the illusion and restores the deluded maniac to himself and the world. Public provision, however, is necessary, to afford facilities for applying efficiently this course of treatment, and placing the insane under its benign influence. Such we already have in this state, where those who are blessed with competence can avail themselves of its advantages. But to those who have been less favored of heaven, as far as wealth is concerned, its doors are effectually closed. We are cheered, however, with the reflection, that they have their advocates whose voices have reached the legislative ear, and found a response in the patriot's bosom, as is clearly evinced by the benevolent provisions contemplated in the above resolutions. . . . It is true that Connecticut is characterized for her seminaries of learning and benevolent institutions. Well may she point to her renowned colleges, her flourishing academies, her Deaf and Dumb Asylum, her Retreat, and her Penitentiary, and exultingly exclaim "these are my jewels." But this exultation can never be triumphant while our ears are saluted by the ravings of our penniless maniacs, chained to blocks or incarcerated in dungeons, admonishing us though we have done much, until they are suitably provided for, *the work is not complete.*[1]

The enthusiasm of the commission over the liberality of the state was doomed to disappointment, for all the assembly did[2] was to direct selectmen to transmit to the secretary of state a correct list of the insane and idiotic persons in their town, specifying which each was, stating whether they were dangerous or harmless, and giving their names,

[1] *Rep. of Comm.*, 1840.

[2] *P. A.*, 1840, p. 41.

ages, the length of time they had been insane, the causes, if known, how they were supported, the cost per week of those cared for by the town, and how many of these the town would probably support in a state institution for $2.50 a week. This action was probably taken because the directors of the Retreat memorialized the assembly in May, 1840. They stated that the board had passed the following resolutions:

Resolved, That all indigent insane, citizens of the state, and proper subjects for such an institution, shall be received and supported at the Retreat for the Insane, for a sum not exceeding two dollars and fifty cents per week.

Resolved, That the Legislature be respectfully requested to appoint commissioners of the Retreat, according to the provisions of the act of incorporation.

In other words, they offered to receive the insane poor and care for them at a cost less than would be called for by a separate asylum, according to their statement. They asked the legislature, in the manner provided by their charter, to appoint commissioners, with power to designate those to be received and to remit so much of the charge for them as might be necessary, not exceeding $1,000 a year or such sum as the legislature should specify. The state was to make up the deficit. The commissioners were also to erect such buildings as should be found indispensable at a cost of not more than $5,000. The board thought that the state did not need two hospitals for the insane, and declared that if this plan proved unsatisfactory, other arrangements could then easily be made.[1]

The assembly did not at once adopt this method of caring for the insane poor, but it called upon the towns for

[1] *Rep. Select Joint Comm. on the Insane Poor*, 1841.

official returns, and two years later, in 1842,[1] made the governor a commissioner to enter into a contract with the Retreat for the care of such number of the insane poor, who could not pay anything toward their treatment, as he deemed expedient and as could be accommodated, the total expense not to exceed $2,000 a year. This method was used until there was a state asylum. The expense gradually increased. In the five years 1853-1857 it amounted to nearly $37,000.[2] In 1868 [3] the appropriation was $20,000. Besides, the state assisted the Retreat in the erection of buildings. $19,000 was appropriated for this purpose during the period, $5,000 in 1845,[4] $8,000 in 1853,[5] and $6,000 in 1855.[6]

From the report of the Retreat for 1851 it appears that between 1842 and 1851 there were admitted to the Retreat 439 state beneficiaries, 203 of the cases being of long standing, 236 recent. Of these, 211 had been discharged as cured and 60 others had improved. It was thought that less than 60 cases would be permanent public charges. Those in the Retreat at the time of the report numbered 66, the total number of patients there being 157.[7] The number cared for by the state in the Retreat during the year ending March 31, 1855, was 151.[8]

In addition to this provision for state aid, a law was passed in 1845 [9] authorizing selectmen to make contracts with the officers of the Retreat on behalf of their towns for the care of their insane poor.[10]

Ten years later the state began to help towns care for their insane poor. It was enacted [11] that if it was made to

[1] *P. A.*, pp. 52, 53. [2] *Leg. Docs.*, 1857, no. 20. [3] *P. A.*, p. 465.
[4] *P. A.*, pp. 117, 118. [5] *P. A.*, p. 149. [6] *P. A.*, p. 193.
[7] *Rep. of Retreat*, 1851. [8] *Rep. of Commissioner*, 1855.
[9] C. 34. [10] 1875, 25, § 2. [11] 1855, c. 79.

appear to the commissioner that an insane person who was dangerous and unfit to be without restraint had no relatives who could be made to support him and in consequence had become a town charge, the commissioner should have him removed to the Retreat. The expense of removal and support, over and above the weekly allowance made by the commissioner, was to be paid by the town liable.

STATE HOSPITAL FOR INSANE

These measures proved unsatisfactory. In 1866 a Joint Select Committee on Incurable Insane reported that there were in the state the following insane persons:[1]

In Retreat, with state aid	147
In Retreat, without state aid	55
In towns, supported or aided	204
All others (estimate)	300
	706

The report did not state that those in towns were in almshouses, though the legislature so declared in the preamble of the law it enacted. Acting upon this report, the legislature passed "An Act to Create a Hospital for the Insane in the State of Connecticut."[2] The preamble and first section read:

Whereas, The report of the commission appointed by this assembly, in the year 1865, shows that there are 706 insane persons in the state of Connecticut, of whom 202 are in the Retreat at Hartford; 204 are in the almshouses; and 300 outside of both; *and whereas,* it is impossible to secure suitable care and medical attention for this large and deeply afflicted class, either in the Retreat or in the almshouses, or in private houses; *and whereas,* considerations of humanity and of true economy, as well as of the public welfare and of our holy religion, all alike

[1] *Op. cit.* [2] 1866, c. 37.

demand that these persons should be liberally provided for by the state; therefore,

Be it enacted . . .

That there shall be established and maintained at some place in this state . . . an institution to be named" The General Hospital for the Insane of the State of Connecticut."

This statute of 1866 was modified in the following year.[1] The name of the institution was, in 1874,[2] changed to The Connecticut Hospital for the Insane. The government of the hospital, located at Middletown, was vested in a board of twelve trustees,[3] consisting of the governor, one from each county, appointed by the senate, and three from the vicinity of Middletown, selected by the other trustees. The term of two trustees expired annually, though [4] they might be reappointed. They appointed, not from their own number,[5] a superintendent, who was required to be a competent physician and to reside in or near the institution, and also a treasurer,[6] with a salary not exceeding $400 a year, who gave a bond of $10,000 for the faithful performance of his duties.[7]

As to admissions, the law [8] provided that whenever a pauper in a town was insane, it was the duty of a selectman [9] to apply to the judge of probate for his admission to the hospital. The judge appointed a " respectable " physician, who investigated the case fully. If he was satisfied that the pauper was insane, the judge ordered the selectman forthwith to take the insane pauper to the hospital, to be kept and supported there as long as was requisite. Half of the expense was paid by the town of residence and

[1] 1867, c. 102. [2] *S. A.*, p. 271. [3] 1866, c. 37, § 2.
[4] 1868, c. 85, § 3. [5] Clause added in 1875. [6] 1867, c. 102, § 3.
[7] 1875, 96, §§ 1–5. [8] 1867, c. 102, §§ 4, 5.
[9] The first selectman before 1875.

half by the state. In the case of indigent persons, not paupers, the procedure was the same, except that half the expense was paid by the person applying and half by the state. After 1868 [1] the judge of probate was required to send at once to the governor a duplicate of his order for the admission of an indigent person to the hospital. No bill for such an indigent person might be paid without the approval of the governor. The trustees might authorize the admission of other patients, under special agreements, whenever there were vacancies.[2]

The trustees [3] were to fix the price for keeping paupers and indigent persons, which was in no case to exceed the actual cost of support and attendance.[4]

Acts of 1869 [5] and 1871 [6] fixed the amount of the monthly [7] tax for the support of patients at $2.50 for each week's board at the hospital or Retreat of the pauper and indigent insane persons belonging to Connecticut, and at $5 for each week's board of the state insane paupers, together with the actual expense of clothing for the latter. Bills were paid upon the approval of the governor. After 1872 [8] towns were given the same amount for insane paupers supported in other asylums.[9]

The male ward of the state hospital was opened in April, 1868, the female a little later.[10] The original bill carried with it an appropriation of $35,000 for the erection of the institution.[11] Its cost, however, by the close of the year 1869 had amounted to over $420,000,[12] and two years later [13] $90,000 was appropriated for a new wing. Even then the accommodations proved insufficient. In 1870,[14]

[1] C. 85, §§ 1, 2. [2] 1875, 96, §§ 6, 7. [3] 1867, c. 102, § 6.
[4] 1875, 97, § 8. [5] C. 95. [6] C. 154. [7] Quarterly, by 1869, c. 95.
[8] C. 72. [9] 1875, 97, §§ 9, 10. [10] *Rep.*, 1869. [11] 1866, c. 37, § 7.
[12] *P. A.*, 1867, p. 125; 1868, p. 334; 1869, p. 293.
[13] *S. A.*, 1871, p. 197. [14] *S. A.*, p. 170.

two years after the opening of the hospital, the legislature authorized the expenditure of $15,000 for the care of insane patients in any asylum in New England. As late as 1874 the sum paid the Retreat and other private institutions for the insane amounted to over $5,000.[1]

During its first year the number of admissions to the state hospital was 268. Of these, 24 were paying patients, 76 indigent persons, and 168 paupers.[2] The number of inmates gradually increased with the completion of the building, until the average population of the hospital during the year 1874 was 339.51. Of those admitted to the institution during that year, 41 paid for their support, while 212 were beneficiaries of the state.[3]

COMMITMENTS AND DISCHARGES

In 1869 a general law was passed to regulate the admission and discharge of insane patients. Three methods of commitment were specified. An insane person might be placed[4] in a suitable place of detention on the presentation of a certificate, made within thirty days,[5] signed by at least one reputable physician, that he had made a personal examination within one week, and found the person insane. The certificate was to be acknowledged before an officer authorized to administer oaths in the state where given, who was to certify to the genuineness of the signature and the respectability of the signer. The person placing the patient might remove him. In its original form the law specified legal guardians, relatives, or friends, if there was no guardian, as those who might thus commit.[6] The section was evidently designed to include those not residents of Connecticut.

Commitment might still be made also by justices of the

[1] *Rep. Comptroller*, 1875. [2] *Rep. Hospital*, 1869. [3] *Ibid.*, 1874.
[4] 1869, c. 80, §§ 1, 8. [5] Added in 1875. [6] 1875, 98, § 6.

peace.[1] As embodied in the revision of 1875, the law permitted a dangerous insane person, who was at large, to be confined by the order of a justice and the first selectman of the town of residence or settlement, and upon a certificate like that just described. If the person who cared for him, or was bound to support him, neglected to confine him according to their directions, they themselves provided for his confinement and support.[2] Such action was required of a justice if such a person was not confined within three days after a complaint made to a selectman or justice, and if a further written complaint, under oath, was received by him.[3]

Finally, judges of the superior court might commit.[4] Upon a written complaint that a person was insane and unfit to go at large, the judge appointed a committee, consisting of a physician and two others, one of them an attorney-at-law, judge, or justice. After the person had been notified according to the judge's order, the committee inquired into the complaint and reported. If they decided that confinement was necessary, the judge issued the order therefor.[5]

The act of 1869 provided also methods of discharge. Any judge of the superior court who received a written statement that a certain person then confined was not insane and was thus unjustly deprived of liberty, was re-

[1] 1869, c. 80, § 2.

[2] 1875, 99, § 10. The act of 1869 (c. 80, § 2) had applied to any insane person at large, who was dangerous or needed hospital treatment. The justice was to make a personal investigation, either with or without notice to the insane person, but he could not take final action without a physician's certificate.

[3] 1875, 99, § 11. Equivalent to 1838, 350, § 3; 353.

[4] 1869, c. 80, §§ 3, 4.

[5] 1875, 98, § 7. The original law was substantially the same.

quired to appoint a commission of three or four, made up like the committee for commitments. They heard the evidence offered and, without summoning the party before them, had one or more interviews with him, so arranged, if possible, as not to reveal their purpose. Within a reasonable time they reported their conclusion. If they found he was not insane, the judge ordered his discharge. The officers of an institution, also, might request the appointment of a commission, but no commission might be appointed in behalf of the same person oftener than once in six months, or for one committed upon the recommendation of a committee within six months of his commitment.[1]

Strangely enough, the revision of 1875 omitted this provision and there was thus no provision for the release by judicial authority of one unjustly confined.

The statute of 1869[2] permitted the authorities of asylums to discharge their patients in accordance with their rules. This was allowed also by the revision of 1875,[3] as was the removal of patients from institutions by the friends who placed them there.[4]

In addition to these laws, there remained in 1875 the provisions for conservators for those with property,[5] for the liability of relatives and estate for the support of the insane, and for contracts between towns and the Retreat at Hartford.[6]

The statute for the confinement of dangerous persons by justices was interpreted by a decision in 1854, which held that the expense of restraining and confining a destitute lunatic by order of a justice of the peace might be

[1] 1869, c. 80, §§ 5-7. [2] *Ibid.*, § 9. [3] P. 98, § 9.
[4] *Ibid.*, § 6. [5] *Cf. ante.* [6] 1875, 25, § 2.

recovered by the town in a suit against the person's father, if he was able to pay the same.[1]

CRIMINAL INSANE

Several changes were made in the laws regarding insane criminals. It will be recalled that in 1838 those acquitted of murder or manslaughter on the ground of insanity were committed to a county jail unless some one undertook and gave bonds to confine them in accordance with the direction of the court. In 1856[2] the law was amended to read "the county jail, or some other suitable place." Two years later[3] an insane hospital had been provided at the prison, and a statute of that year[4] directed the commitment to this hospital of persons acquitted because of insanity, not only of murder or manslaughter, but also of any crime punishable with confinement in prison. This arrangement proved unsatisfactory, and in 1859[5] the directors of the prison were given permission to use the buildings of the insane department in other ways. In the same year[6] it was enacted that a person acquitted because of delirium tremens should be committed to a jail or the insane department of the prison for not less than six months or more than two years. By 1860 the prison trustees had acted under the law of 1859 and insane criminals were to be sent to a jail or other suitable place, as in 1856, unless some one gave bonds to care for them under the direction of the court.[7] In 1861[8] this law was made to apply to a person convicted of any crime whether punishable by confinement in prison or not. The alternative of "any other suitable place" was removed in 1865,[9] and

[1] Bennet *v.* Canterbury, 23 *Conn.*, 356. [2] C. 31.
[3] *Cf. P. A.*, 1858, p. 101. [4] 1858, c. 36. [5] *P. A.*, p. 178.
[6] 1859, c. 24. [7] 1860, c. 68. [8] May, c. 3. [9] C. 12.

the law went back to that in force in 1838, providing for confinement in a jail or care by an individual; except that if the person owned property, the court appointed an overseer to care for it and use it for his support. If he had none, the town of settlement was responsible for him. The person might petition the superior court of the county for his release. After the petition had been served on the selectmen, the court might issue such order with regard to his disposal as it deemed proper. A law of 1857 [1] had made it the duty of the state's attorney, in a hearing upon an application for the release of insane criminals, to appear and show cause, if any, why the application should not be granted.

By 1868 the state was erecting its insane hospital and hence in that year an important step was taken. The trustees of the state hospital were directed to provide at the hospital for insane criminals. The law of 1868,[2] supplemented by one in 1869,[3] provided for the examination by a commission of experts, appointed by the governor, of any inmates of the prison whom the warden thought insane. Those pronounced insane were to be transferred to the hospital. Upon their recovery, they were to be returned to the prison, upon the finding of another commission. A law of 1870 [4] provided for the confinement in the state hospital of criminals acquitted because of insanity, as well as of those who became insane after conviction. Those without property or settlement were supported by the state.

The revision of 1875 contained this law, together with the alternative provision for confinement by an individual, and that for the appointment of overseers for those with property. The section regarding appeals embodied the acts of 1857 (c. 30) and 1865 (c. 12) just cited.[5]

[1] C. 30. [2] *P. A.*, pp. 422, 423. [3] *S. A.*, pp. 260, 261.
[4] C. 32. [5] 1875, 536, §§ 4, 5.

5. CARE OF FEEBLE-MINDED

The United States census of 1850 called attention to the problem of idiocy by reporting 287 idiots in Connecticut. On the basis of the more accurate statistics for Massachusetts, a joint select committee on idiocy stated in 1855 that there were certainly about 500 idiots in Connecticut, four-fifths of them, to a greater or less degree, objects of public charity.[1] Upon their recommendation a commission was appointed,[2] which reported in the following year, 1856.

Returns were secured from 105 out of 155 towns. The selectmen of one town reported 14 idiots, while a physician declared there were none. On the basis of the population of 88 towns, which reported 514 idiots, there would have been a little more than 1,000 idiots in the state. The estimate based on the 16 towns which made complete returns would have been 1,428. The commission concluded that there were probably 1,100-1,200 in all. In 30 per cent. of the cases in which the age was given, it was less than 20.[3]

The commission found that the state was, as it were, manufacturing idiots.

> In one instance, where a pauper female idiot lived in one town, the town authorities hired an idiot belonging to another town, and not then a pauper, to marry her, and the result has been that the town to which the male idiot belongs, has for many years had to support the pair, and three idiot children.

This throws light upon the working of the laws of settlement. Two or three towns had families, all the members of which were idiots. There were two families with five idiots each.[4]

The treatment of the idiots was also found to be far from satisfactory.

[1] *Rep.*, 1855. [2] *P. A.*, 1855, p. 167.
[3] *Rep. of Commissioners on Idiocy*, 1856, pp. 6-8. [4] *Ibid.*, p. 9.

In one instance, where three children had been idiots, they had been kept by their unnatural mother, in a close room, in the most filthy condition possible, tied with a short rope around their necks, and never suffered to stand, or to take the fresh air . . . It is not surprising that under this treatment, two of the three had died. It was surprising that they lived to adult age.[1]

The cost of idiocy was found to be great. There were single towns of less than 2,000 population where the tax for idiot paupers alone was $750 a year. On the supposition that two-thirds of the idiots required the constant attendance of at least one person, the value of whose labor was estimated at not less than fifty cents a day, the total cost to the state was given as $250,000 a year, equal to an annual *per capita* tax of 67 cents.[2]

The commission recommended the establishment of a school for idiots to accommodate 100 pupils. They recommended that it be a private, state-aided institution, rather than one controlled by the state, as thus, they thought, it would not be affected by politics, would be run more economically, and be more frequently an object of charity. They also proposed that when $15,000 had been raised, the state contribute $20,000.[3] Imperative as was the need, the project was defeated by the casting vote of the president of the senate after the house had voted the appropriation.[4]

The next step was taken by Dr. Henry M. Knight, a member of the commission, who in 1859 established in Lakeville a school for imbeciles with one pupil.[5] The legislature of 1860[6] authorized the governor to expend

[1] *Report of Commissioners on Idiocy*, 1856, p. 9. [2] *Ibid.*, pp. 12, 13.
[3] *Ibid.*, p. 19 *et seq.* [4] *Vid. Rep. Board of Charities*, 1892, p. 26.
[5] *Ibid.* [6] *P. A.*, p. 88.

not more than $1,500 for the support of indigent, idiotic children in Dr. Knight's school. In 1862 [1] the appropriation of the two preceding years was made annual, and in 1864 [2] the amount was increased to $3,000 a year, not more than $100 a year to be spent for a single pupil, save in exceptional cases. In 1873 [3] the governor was authorized to expend $7,000, the regular amount for each pupil being raised to $125. Meantime, the state had not only, in 1868,[4] exempted from taxation as much of the property of the school as yielded an annual income of $2,000, but had made grants aggregating $33,000.[5] The number in the school increased as accommodations were provided, until the report of 1875 stated that 68 were in attendance at the close of the fiscal year 1874, 81 having been received during the year. Of these, 35 were beneficiaries of the state.[6]

6. DEAF AND DUMB

In the last chapter it was seen that in 1837 the first step was taken towards the education by the state of the deaf and dumb. The state found no need of establishing a new institution, but all through the period used the asylum or school in Hartford. In 1843 [7] the age limits for candidates were made 8 and 25, instead of 12 and 25. Those under 12 might be placed in the school for not more than eight years, the others for not more than six. The amount of the annual appropriation was increased from time to time, until in 1874 [8] it was made $11,000. In 1871 [9] the governor was authorized to contract with the Clark Insti-

[1] *P. A.*, 1861-62, p. 134.
[2] *P. A.*, p. 85.
[3] *S. A.*, p. 190.
[4] *P. A.*, pp. 334, 335.
[5] *P. A.*, 1863, p. 122; 1866, p. 241; *S. A.*, 1871, p. 263; 1872, p. 200.
[6] *Rep.*, 1875.
[7] *P. A.*, pp. 26-29.
[8] *S. A.*, p. 336.
[9] *S. A.*, p. 73.

tute, Northampton, Mass., for the education of the mute children of four persons named in the act, and in 1874 [1] to send deaf mutes, who had lived in the state for five years, to Groton to be educated at the Whipple Home School, on the same terms as at the Hartford school; that is, the annual expense for each pupil was not to exceed $175.

The exact facts regarding the deaf and dumb were always known, as selectmen continued to report to the governor, on or before January 15 of each year, the number of deaf and dumb persons within the towns, together with the age, sex, and pecuniary circumstances of each.[2]

7. BLIND

A similar report regarding the blind, also, was still made each year,[3] and two new provisions were added before 1875. In 1838,[4] the year after the governor was appointed commissioner for the education of the deaf and dumb, he was appointed commissioner likewise for the blind. He was to select blind persons belonging to Connecticut, under the age of 25, to be educated in the New England Institution for the Blind, in Boston, for not more than five years, provided their parents and friends could not contribute to their support. The expense was limited to $1,000 a year. Two years later, in 1840,[5] the age limit was raised to 40, provided there were not enough suitable persons under 25. In 1845 [6] the restriction as to age was removed entirely, because the appropriation was not all called for. They were bound to have it expended if possible. In 1848 [7] the resolution of 1838, with its age limit, was passed for another five-year period. In 1850 [8] the

[1] *S. A.*, pp. 260, 261. [2] 1875, 25, § 3. [3] *Ibid.* [4] *P. A.*, pp. 8, 9.
[5] *P. A.*, p. 4. [6] *P. A.*, p. 34. [7] *P. A.*, pp. 29, 30. [8] *P. A.*, p. 9.

limit was again raised to 35, as there were not enough beneficiaries to exhaust the appropriation, the number then being three.[1]

Special acts were also passed authorizing the governor to use the fund for educating designated individuals in other schools.[2] By 1856 [3] the demand for the fund had increased so that the amount was made $2,000. This was increased in 1863 [4] and again in 1871,[5] making the appropriation in 1874 $6,000 a year.

A provision of another sort was made in 1867.[6] Selectmen were then granted authority to exempt from taxation the estate, to the amount of $3,000, of blind persons who were unable to support themselves and their families. If the property was located in more than one town, the total exemption was not to exceed the sum named. In 1873 [7] this exemption was made mandatory. The revision of 1875 added a clause that exemptions granted in different towns were to be apportioned according to the value of the property in each.[8]

8. PENSION LAWS

The state pension law, providing for those wounded or killed in the service of the state and their families, was not changed. It remained the duty of the general assembly to care for all such.[9]

No new law regarding soldiers was passed until the period of the Civil War. The great mass of such legislation came after 1875 but a few measures demand attention here.

During the war several emergency appropriations were

[1] *Rep.*, 1850. [2] *Cf. P. A.*, 1839, p. 9; 1842, p. 3.
[3] *P. A.*, pp. 141, 142. [4] *P. A.*, p. 55. [5] *P. A.*, p. 39.
[6] C. 143. [7] C. 66. [8] 1875, 154, § 12. [9] 1875, 122, § 7.

made, to be used by the governor for the relief of wounded Connecticut soldiers.[1] In 1865[2] a resolution was passed providing for the payment of $3 a week for discharged soldiers requiring surgical attendance who were placed in the Hartford Hospital or the hospital of the General Hospital Society in New Haven. The amount was to be paid "under the direction of the governor . . . and the executive committee of said hospital, respectively." Reports were to be submitted to the governor quarterly and to the assembly annually, by the committees. In 1866[3] the allowance for surgical treatment was raised to $6 a week, and the state assumed the funeral expenses of soldiers who died in the hospitals. Resolutions of 1867[4] and 1868[5] gave the governor authority to admit patients and made $10 the limit for funerals. During the five years 1870-1874 the amounts paid for this purpose aggregated $65,250, of which 61 per cent. went to the New Haven hospital.[6]

In addition to this provision for wounded soldiers, a special hospital for soldiers in New Haven, known as the Knight General Hospital, received state aid.[7]

Additional relief was given to soldiers through exemption from taxes. A statute of 1869[8] freed from poll and military-commutation taxes all who served in the army or navy of the United States during the Civil War for not less than one year and were honorably discharged, or were discharged on account of wounds or sickness incurred while on duty in the service, or of the expiration of their term of service. Two years later[9] exemption from taxation was

[1] *Cf. P. A.*, 1862, pp. 80, 137; 1864, p. 5, *etc.*

[2] *P. A.*, pp. 158, 159.

[3] *P. A.*, pp. 160, 161.

[4] *P. A.*, pp. 252, 253.

[5] *P. A.*, p. 316.

[6] *Rep. of Committee on State Charities and Insane Poor*, 1877, p. 14.

[7] *Cf. P. A.*, 1864, pp. 41, 42; 1865, p. 211.

[8] C. 6.

[9] 1871, c. 126.

granted to the estate, to the amount of $1,000, of pensioned soldiers or sailors, who served in the army or navy of the United States in the Civil War and enlisted from, or were credited on the quota of, Connecticut, and of the pensioned widows and mothers of such deceased soldiers and sailors.

In the following year [1] the same exemption was granted to the pensioned widows and mothers of soldiers and sailors who served in the United States army or navy in previous wars and were killed or died in consequence of such service. The revision of 1875 retained all these exemptions.[2]

Pension moneys received from the United States were not liable to be taken by warrant or execution while in the hands of the pensioners.[3]

In 1864 [4] Fitch's Home for the Soldiers, in Darien, was incorporated. It was founded by Benjamin Fitch of that town, its primary purpose being to care for those who should be or had been soldiers of the United States, and to support and educate their children. Eighty-three such children were received before 1871.[5] Preference was to be given to natives and inhabitants of the senatorial district in which the home was located. In 1868 [6] the state granted $5,000 to enlarge and repair the buildings. The establishment of this home is of interest, not only because it is another illustration of the characteristic feature of the period, but also because the home was destined eventually to become a state institution.

In 1865 [7] a charter was granted to the Connecticut Soldiers' Home. The board of directors included the gov-

[1] 1872, c. 105, § 1.
[2] 1875, 154, § 12; 112, §§ 5, 6.
[3] 1875, 455, § 10. Said to date from 1870, but the act does not appear.
[4] *P. A.*, p. 94 *et seq.*
[5] *Rep.*, 1871.
[6] *P. A.*, p. 316.
[7] *P. A.*, p. 73 *et seq.*

ernor and lieutenant-governor. Apparently nothing was done under this charter.

SOLDIERS' ORPHANS

Another series of laws was for the benefit of the families, and especially of the children, of soldiers. The state was very generous to them. Thus, in the years 1862-1874 there was expended for this purpose fully $3,270,000. During the three years 1863-1865 the average was $666,000 a year, while by 1874 the amount had fallen to $89,600. The minimum for the period was in the year 1867, when the sum spent was only $42,000.[1]

The reason for the increase subsequent to 1867 was the passage in 1866 [2] of a general law for the relief of the needy children of deceased soldiers and sailors, who were under the age of twelve, without other adequate means of support, not in almshouses, and whose fathers had served as Connecticut soldiers or had enlisted from the state in the United States navy in the Civil War, had died by reason of such service, or were reported as missing in action and had not since been heard from. For children in the New Haven or Hartford orphan asylums, in Fitch's Home for Soldiers, or the Connecticut Soldiers' Orphans' Home, the allowance was $1 a week from July 1, 1866, so long as the child remained and did not attain the age of twelve. For other children the grant was 75 cents a week.[3] Within ten days after the commencement of each quarter, the comptroller was to draw his order in favor of the treasurers of the institutions and of the towns where the children lived. The treasurers of the asylums and the selectmen of the towns were required quarterly to send to the

[1] *Vid. Rep. of Comptroller* for years in question. [2] C. 59.
[3] 1866, c. 59, § 1.

comptroller a written list, containing the names and ages of the children, the name of each father, the organization to which he belonged, and the place and date of his death. They were to certify that all the children named were entitled to the bounty and without adequate means of support, and the certificate was to be signed and verified by affidavits. These officers were also from time to time to report all changes arising from the death of the children or their "arrival" at the age of twelve.[1] Town treasurers, upon receiving the money, were immediately to pay over each child's proportion to his legal guardian; or, if there was none, to the person having the actual custody and control of the child. If selectmen apprehended that an improper use would be made of the money by such person, they might direct to whom it should be paid.[2] A town officer who appropriated or unnecessarily detained the bounty was liable to treble damages to the aggrieved party, a selectman who did not comply with the law forfeited $200 to the state, and any one who made false statements in order to secure the money for a child might be fined not more than $50, or be imprisoned for not more than two months.[3]

Two years later[4] the bounty was increased to $1.50 a week for each child, and the age limit was raised to fourteen.

In 1872[5] it was expressly declared that the law applied "to children otherwise entitled to the benefits thereof without restriction by reason of the father's dying, or the child being born subsequently to the passage of said acts, or of this act."

With these modifications the law was retained in the revision of 1875.[6]

[1] 1866, c. 59, §§ 2, 3. [2] *Ibid.*, § 4. [3] *Ibid.*, § 5.
[4] 1868, c. 36. [5] C. 31. [6] P. 95, §§ 1-7.

In 1864[1] the Connecticut Soldiers' Orphans' Home was incorporated. Its object was "to provide a home, support, and education, for the orphan or destitute children of Connecticut soldiers, and other citizens of the state." Power was granted to accept the surrender of children by their parents or guardians for a period agreed upon. To this was later added authority to give children in adoption in accordance with law.[2] The board of directors included *ex officiis* the governor, lieutenant-governor, secretary of state, comptroller, and treasurer of the state, the judges of the supreme court, the president *pro tempore* of the senate, the speaker of the house, and the presidents of Yale, Trinity, and Wesleyan. In 1865 the incorporators accepted the charter and chose officers. In 1866 their agent reported that there were then "over four hundred children, many of them soldiers' orphans, in the towns' poorhouses of the state." In October of that year the school was opened on a farm in Mansfield, in a building erected by Edwin Whitney for a boys' school and by him donated for this purpose. The school, with state aid, continued its work until 1875, when it was closed and the property returned to the widow and posthumous daughter of the donor. During that time, with the aid of grants from the state, the bounty for soldiers' orphans, and generous contributions from churches and Sunday-schools, 149 children were cared for.[3] In the report for 1873 the treasurer stated:

> Contributions have materially fallen off during the past year. It is evident that the people of this state have lost much of their interest in this institution . . . I am of the opinion that by another year, the soldiers' orphans will be so disposed of, that the home so far as they are concerned will have finished its mission.[4]

[1] *P. A.*, pp. 98-100. [2] 1868, c. 84. [3] *Rep.*, 1874.
[4] *Rep.*, 1873.

The following year the report showed but eight inmates, of whom three were soldiers' orphans, one of them being a lame boy over fourteen and not entitled to state aid. It was urged that the home be used for destitute children,[1] but as the appeal for funds met with no response, the school was closed in the spring of 1875.[2] Thus ended the experience of Connecticut with what was really a state home for soldiers' orphans.

This subject of soldiers' orphans leads naturally to our last topic, laws relating to minors.

9. PROTECTION OF MINORS

The most important events were the establishment of the State Reform School, in Meriden, for boys, and the Industrial School for Girls, in Middletown. While they were primarily reformatories for the care of incipient criminals, their inmates were not limited to these, and hence the schools call for notice.

STATE REFORM SCHOOL

A joint select committee reported to the legislature in 1850 that about 80 boys under 16 were annually committed to county jails, while many escaped punishment because there was no better place than jails for them. For these reasons the committee recommended the establishment of a reform school. Owing to the state of the treasury and the fact that the proposal was an innovation, their bill was not acted upon until the following year, when it was passed.[3] The state appropriations of $15,000 were not to be paid until $10,000 had been subscribed.[4] The school was opened March 1, 1854, and many laws affecting it

[1] *Rep.*, 1874. [2] *Rep.*, 1875.

[3] 1851, c. 46; *cf. Rep.*, 1850, 1853.

[4] *P. A.*, 1852, pp. 73, 74; 1851, c. 46, §§ 11, 12.

were passed during the twenty years before the revision of 1875.

By this revision the government of the school was vested in a board of eight trustees, one from each county, appointed by the senate for four years, two retiring annually. Vacancies [1] were filled by the general assembly, or by the governor during a recess. The trustees were to adopt rules for the school, and also

> provide instruction in religion, morality, and useful knowledge, and in some regular course of labor for the inmates; bind them out, discharge, or remand them; appoint and remove at pleasure a superintendent, not [2] of their number, and other officers; prescribe their duties and compensation; . . . and annually report under oath, . . . the condition and rules of the school.[3]

The superintendent acted as treasurer and was to give a bond to the state for not less than $5,000.[4]

A boy under sixteen, convicted of any offense punishable by imprisonment, not for life, except refractory apprentices and vagrants, might be sentenced in the alternative to the reform school or to such imprisonment; except that no justice of the peace might sentence any boy to the school under ten years of age, nor unless upon the recommendation, at the time, of a majority of the selectmen of the town. Boys under ten might be admitted with the approval of the trustees for not less than nine months. Commitments to the school were for terms not longer than during minority or less than nine months, unless sooner discharged, and a discharge meant a release from all penalties and disabilities created by the sentence.[5]

The boys were kept in the school until discharged, bound

[1] New, by 1875. [2] Not in original law. [3] 1875, 92, §§ 2, 3.
[4] 1875, 93, § 5. [5] *Ibid.*, §§ 6, 8.

out, for not longer than the term of commitment, or remanded to prison. Any two trustees, in the absence of the others, if they thought it inexpedient to receive a boy, or if he proved incorrigible, or his continuance in the school was found to be prejudicial to its interests, might order him committed elsewhere under the alternative sentence.[1]

The cost of supporting boys, at the rate of $2 a week, was paid quarterly by the state, upon the allowance of the comptroller.[2]

Parents or guardians might indenture a child or ward to the school, in the manner prescribed by law, upon uniform terms agreed upon with the trustees, the expense to be paid quarterly in advance. If the expenses were not paid, the trustees might sue on the agreement. Every such indentured child was on a par with the other inmates in regard to "supervision, medical treatment, support, . . . education, . . . regulations, employment, and restraint."[3]

In accordance with acts of 1871[4] and 1874[5] equal privileges were granted clergymen of all religious denominations to impart religious instruction to the inmates of the reform school and also of the industrial school for girls, under such regulations as might be prescribed by the governing boards for the giving of moral and religious instruction to the inmates who belonged to the several denominations.[6]

The penalty for aiding the escape of a minor committed to the reform or industrial schools was a fine of not less than $50 or more than $100, or imprisonment for not more than sixty days.[7]

[1] 1875, 93, § 7; 98, § 2.

[2] *Ibid.*, 93, § 9. Before 1856, c. 80, by order of the judge of the superior court of the county.

[3] *Ibid.*, 98, §§ 3, 4. [4] C. 122. [5] C. 31. [6] 1875, 98, § 1.

[7] 1875, 507, § 6. This was passed in 1870 (c. 36, § 6) but then applied only to the industrial school.

In a few respects the original law differed from this. Until it was discovered that of the first 150 boys sentenced to the school from 32 towns, 41 were committed for vagrancy and 35 for stubbornness,[1] the exception regarding commitments was not imposed. This was done in 1855,[2] by an act which forbade sending to the school stubborn children, refractory apprentices, and vagrants. It is interesting to note in passing that these had to go to the workhouse or jail, from the contamination of which the more serious offenders were saved. As just noted, the revision of 1875 excluded the second and third of these classes. One reason for the exclusion was undoubtedly the fact that of these 150 first inmates, 64 had previously been arrested or been in places of detention.[3] From contact with such, the excluded persons were to be saved by sending them into worse surroundings!

Changes were made also in the method of support. The act of 1851,[4] like that of 1875, made the state responsible. When it was learned in 1857 that the school was already costing nine times as much as the state paupers, and taking more than a third of the appropriations for benevolent purposes,[5] the assembly [6] placed the support upon the cities or towns from which the boys were committed. The result was that in 1860 there were but 81 boys in the school,[7] whereas in 1855 there had been 139;[8] and that, too, in spite of the enactment in 1859 [9] of the law permitting the indenture of minors to the school. Under the law of 1857 the selectmen of one town refused to have a boy convicted of petty larceny sent to the school, and he spent fourteen

[1] *Rep.*, 1855. [2] C. 104; *cf.* 1851, c. 46, § 4. [3] *Rep.*, 1855, pp. 52, 53.
[4] C. 46, § 13. [5] *Rep. Joint Spec. Comm.*, 1857.
[6] 1857, c. 58, §§ 4, 5. [7] *Rep.*, 1860.
[8] *Rep.*, 1855. [9] C. 79.

days in jail,[1] suffering the disgrace of imprisonment and losing the possibly reforming influence of the school. To correct such evils as this, the state in 1860[2] once more assumed the responsibility. The allowance for board, limited to $1 a week in 1851,[3] was made $1.50 in 1861[4] and $2 in 1865.[5]

Another section of the mischievous law of 1857[6] was beneficial. It made the minimum sentence nine months instead of ninety days,[7] and forbade the commitment to the school of boys under ten. This was later modified to permit the commitment to the school of boys under ten, who would otherwise be sent to jail or prison,[8] and to permit the trustees also to admit boys below this age.[9]

The report for the year ending in March, 1875, stated that since the beginning 2,291 boys had been committed to the school, of whom 296 were then inmates. One hundred and fifty-five had been received during the preceding year, of whom 4 were boarders, 10 had been returned to the school, and 141 had been committed.[10]

INDUSTRIAL SCHOOL FOR GIRLS

The Industrial School for Girls was incorporated in 1868 and opened in 1870. A commission of three had been appointed in 1866[11] to report as to the desirability of establishing a state institution for abandoned young women and a reform or industrial school for unfortunate, vicious, or vagrant girls. The report was against the former and in favor of the latter. There were stated to be no fewer than 150 such girls in Hartford and New Haven.[12] As

[1] *Rep.*, 1860. [2] C. 33. [3] May, c. 46, § 13. [4] C. 41.
[5] C. 84. [6] C. 58, § 3. [7] 1851, c. 46, § 7.
[8] 1862, May, c. 39. [9] 1864, c. 69. [10] *Rep.*, 1875.
[11] *P. A.*, p. 161. [12] *Rep. of Commissioners*, 1867.

the legislature of 1867 did not act upon the report, private individuals, under the lead of Governor English, secured pledges and in 1868 obtained a charter.[1] The school was empowered to act as guardian for any girl between the ages of eight and sixteen, committed to its charge for physical, mental, and moral training, for as long a time as the girl remained under its charge. The governor, lieutenant-governor, and secretary of state were to be of the principal officers of the corporation. When not less than $50,000 had been subscribed, the comptroller was authorized to draw on the state treasurer for $10,000, provided thereafter no appropriation be asked from the state.[2] Four years later, in 1872,[3] the state voted $15,000 for the payment of the debt and for other purposes, the old condition being forgotten or disregarded. In 1869[4] the general assembly had validated the act of Middletown in voting to issue obligations of the town to purchase land for the school.

The statutes of 1868[5] and 1870[6] governing the school, with slight modifications in the revision of 1875, permitted the school to receive girls between the ages of eight and fifteen,[7] who had committed offenses within the final jurisdiction of a justice of the peace,[8] belonged to the classes known as neglected or stubborn children, or truants, were "leading an idle, vagrant, or vicious life," or were "in manifest danger of falling into habits of vice." Complaints might be made in writing by a parent, guardian, selectman, or grand juror, to the probate judge of the

[1] *Rep. of Directors,* 1870; *P. A.,* 1868, p. 228.

[2] *P. A.,* 1868, pp. 339, 340. [3] *S. A.,* p. 206. [4] *S. A.,* p. 14.

[5] C. 37. [6] C. 36. [7] Before 1870, c. 36, 8 and 16.

[8] *I. e.,* those punishable by a fine of not more than $7, or by imprisonment for not more than 30 days (not in the state prison), or both. 1875, 532, § 1; 533, § 8.

district, to the judge of the police court in cities, or to a justice of the peace. After notice and hearing, the girl might be committed to the school until she reached the age of eighteen, unless sooner discharged. If it was found that she had committed an offense punishable by imprisonment other than for life, she might be sentenced to the school, have judgment suspended, on such terms and for such time as the court or justice prescribed, or receive an alternative sentence as in the case of boys.[1] Any proper officer might arrest a girl whom he judged to be between eight and fifteen, found in any improper place or situation, and deemed liable to arrest for any of the offenses specified above, and might make a complaint and proceed in the same manner as a parent.[2]

The committing authority was to ascertain, as nearly as possible, and indorse upon the *mittimus,* the age, parentage, birth-place, and offense of the girl, and such other facts as would help the directors of the school in caring for her. The age so ascertained was to be deemed her true age with reference to the term of commitment.[3]

The directors, or any two of them, had authority to discharge and return to her parent or guardian, or to the selectmen of the town, any girl who, in their judgment, ought not to be retained.[4] They had authority to bind out girls to service and to receive girls indentured to them by parents or guardians.[5]

The necessary expenses of each girl committed to the school, not exceeding $3 a week, were to be paid monthly by the state treasurer upon the order of the comptroller.[6]

It will be noticed that this was less of a penal institution than the reform school, for idle persons and vagrants, expressly excluded there, were received here.

[1] 1875, 94, § 1; 98, § 5. [2] 1875, 94, § 2. [3] *Ibid.,* § 5.
[4] *Ibid.,* § 4. [5] 1875, 98, §§ 2, 3. [6] 1875, 95, § 6.

In the first twenty-two months, the number of girls received was 94, 2 of whom were released as unfit, 6 returned home, 12 placed out, and 1 discharged because she had reached the age of eighteen.[1]

New private institutions for the care of needy children were added to those established before 1838. The first of the new societies was the Ladies' Beneficent Society of Hartford, founded in 1839,[2] which was given authority to accept the surrender of negro girls and bind them out. The Bridgeport Orphan Asylum was chartered in 1868,[3] the word "Protestant" being added to its title the following year.[4] The Home for the Friendless, in New Haven, for vagrant, idle, and homeless girls, dates from 1867,[5] while the St. Francis Orphan Asylum of New Haven was granted its charter in 1865.[6] The Watkinson Juvenile Asylum and Farm School, provided for in the will of David Watkinson of Hartford, was incorporated in 1862.[7] Its purpose was to give relief, protection, instruction, and employment to minors of six years and over, who were falling, or in danger of falling, into "idle, vagrant, and vicious courses." Three years later, in 1865,[8] the Hartford Orphan Asylum and the Hartford Female Beneficent Society, both dating from the earlier period, were united in a new corporation entitled the Hartford Orphan Asylum. It was authorized to enter into contracts with the Watkinson Juvenile Asylum in order more fully to carry out the objects of the two institutions.

At least two appropriations were made for such private institutions. These were made in 1856,[9] for the benefit of the New Haven and Middletown orphan asylums.

[1] *Rep.*, 1872. [2] *P. A.*, p. 60. [3] *P. A.*, pp. 6-8.
[4] *S. A.*, 1869, p. 164. [5] *P. A.*, pp. 8, 9. [6] *P. A.*, p. 6.
[7] *P. A.*, pp. 34-36. [8] *P. A.*, pp. 10-13. [9] *P. A.*, pp. 152, 153.

HARTFORD HOME

The most interesting event of the period in this connection was the incorporation in 1863 [1] of the Hartford Home. While it did not result in a permanent change of policy, it was an interesting and suggestive experiment. The charter provided for a children's institution supported by the city. The five trustees, one retiring each year, were to be appointed from the residents of Hartford by the board of police commissioners or, if they failed to act, by the chief justice of the supreme court.[2]

Those who might be committed to the home were the children of residents of Hartford who, after having had public relief, allowed them to live in idleness without honest employment; children of families which did not properly provide for them; poor children in Hartford exposed to want and without any one to care for them; children whose education, after an admonition from the judge of the police court, was still neglected and who were growing up rude and unruly; and all children in the city living without proper restraint and in danger of falling into vice or immorality. They were to be brought before the judge of the police court upon a warrant, after proper notice to parents or guardians, if there were any in the city. After the hearing the judge might, with the approval of the mayor, bind the children to the trustees of the home, males until twenty-one and females until eighteen, to be properly educated and brought up in some lawful calling and employment.[3] The police commissioners might cancel these indentures if they found at a hearing, after notice to all parties, that it would be an act of justice.[4]

The trustees had all the rights of parents over their

[1] *P. A.*, pp. 19-24. [2] *Ibid.*, §§ 1, 2. [3] § 5. [4] § 8.

wards and might bind out those indentured by the court or surrendered by parents or guardians.[1] They were given permission to form an alliance as auxiliary with any other association, incorporated for the same general purposes, and to admit to the board of the home not more than four of its trustees.[2]

The prime mover in securing this charter was Nathaniel H. Morgan, a prominent citizen of Hartford. He had been impressed with the number of neglected children in the poorer sections of the city, who were growing up in idleness and were in danger of becoming criminals. He secured statistics and in general sought to arouse the interest of the citizens, and particularly of the city council. He succeeded, and as a result the city was given the authority to establish and maintain a home for dependent children. On July 4, 1863, the police commissioners of Hartford appointed five trustees, including Mr. Morgan, who was chosen president of the board. It had been his thought that it might be wise for the city to coöperate with the Watkinson Juvenile Asylum and Farm School, already mentioned, and hence the section of the charter permitting such an alliance. However, those in charge of the Watkinson estate, who were about to start the institution provided for in the will, were unwilling to do this, and the trustees of the Hartford Home proceeded to develop Mr. Morgan's plans independently.

A commodious house was secured at 47 Retreat avenue, an ell was built to be used as a dormitory, and the home opened with a good Baptist deacon and his son in charge. Ten or twelve boys, from thirteen to sixteen, were placed in the home. The superintendent and his son were good-natured, affable, and easy-going men, but not especially

[1] *P. A.*, pp. 19-24, § 5. [2] § 7.

efficient as disciplinarians. There was no farm connected with the home on which the boys could work nor was there any provision for manual training. In fact, the home was little more than a school, with something of the air of a reformatory about it. For this reason it was not popular with parents. Besides, they preferred to have their boys where they could themselves have the boys' earnings. As a result, the school dragged on without any increase in size. There was no growth in vitality and the city lost its enthusiasm. In fact, Hartford was not large enough, did not have enough boys of the semi-dependent class, to feel the need of such an institution. Finally, after the home had been in existence for about seven years, Charles J. Cole, an attorney and a member of the city council, who had become tired of the expense of the home, worked among the members of the council until he induced them to make a quiet investigation. They concluded that the city was not securing any adequate return for its expenditures. The council, therefore, stopped the appropriation for the home, the property was sold, and the home ceased to exist. Thus ended Hartford's attempt to care for dependent children in a public institution. It is interesting as the first acknowledgment in Connecticut of the public's obligation to provide institutional care for needy children outside of workhouses, jails, reformatories, or almshouses, and it was the precursor of important action, which will be noticed in the next chapter.[1]

[1] For the facts regarding the history of the home I am indebted to Judge Nathaniel Shipman, of Hartford, for many years judge of the United States district court and later of the circuit court. He was one of the trustees first appointed for the Hartford Home and acted as secretary of the board for several years.

LEGAL CHANGES

Many other laws regarding minors were passed during the period, most of them relatively unimportant for our purpose.

It will be recalled that in 1838 the only method of caring for needy and friendless children was by binding them out as apprentices. The revision of 1875 retained an act of 1864 [1] for giving children in adoption. It authorized the guardian of a child under fourteen, with the consent of the selectmen where the child resided, the parent of such child, the parent or guardian of a minor child over fourteen, with the written assent of the child, and selectmen having in charge a foundling child more than one year old, to give him in adoption by written agreement. This was not valid until approved by the judge of probate after a hearing, of which a notice, addressed to all the parties interested, had been given by publishing it for two successive weeks in some newspaper of the county where the child resided, and by posting it, at least six days before the date assigned, upon the public sign-post in the town nearest the child's residence.[2] If the judge approved of this agreement or of a substitute, on the ground that it would be "for the welfare of such child and for the public interest," he was to note his approval thereon and the approval and agreement were to be recorded in the court. The adopting party and the child then became to all intents and purposes parent and child, with the mutual rights and duties pertaining to that relationship, except as might have been otherwise stipulated in the agreement. The court of probate might, for good cause, annul the agreement, in which case the parties were remitted to their former state. An adopted child inher-

[1] C. 85.

[2] 1875, 189, § 1.

ited property from the adopting but not from the natural parent.[1]

It will be seen that this law did not permit selectmen to give in adoption children of living parents, who refused to become parties to the agreement. Children taken from parents might only be bound out. Foundlings, however, might be given in adoption by selectmen with the approval of the probate judge.

After 1850[2] a neglected child might be indentured by selectmen, not only to an individual master, but also to any charitable society "whose place of doing business" was in the town. By an act of 1868[3] this restriction was removed and the child might be bound to any society incorporated for this purpose, which was at work in the state. Selectmen might also contract to defray wholly or in part the expenses of the child while in the institution, not to exceed $1.50 a week, for which amount the town of settlement was responsible. This last clause was omitted in 1875. Selectmen might thus bind out neglected children residing in the town, whether they belonged there or not. It will be recalled that the charters of such institutions authorized them to receive children from parents. By these laws they might receive children from selectmen as well. The revision of 1875[4] embodied these statutes in the section requiring selectmen to bind out children whose parents, having received relief from the town, neglected to employ and to support them properly, and all children in the town who were exposed to want.

In 1855[5] the penalty for eloigning or enticing an apprentice from the service of his master was made a fine of not more than $100, or imprisonment for not more than

[1] 1875, 190, §§ 2, 3.
[2] C. 36.
[3] C. 78.
[4] 1875, 193, § 3.
[5] C. 46.

six months; and the master or corporation might also recover just damages for the loss sustained thereby. This last clause was not retained in the revision of 1875.[1]

The other laws regarding apprentices were not changed in any important respects.[2]

Laws were also passed in 1850,[3] 1856,[4] and 1864[5] for the appointment of guardians for children who were in danger of coming to want through the character or actions of their parents. As combined in the revision of 1875, these acts provided that the probate court might appoint as guardian for a minor some person other than his parents, upon the application of his relatives or the selectmen of his town of residence, whenever it appeared that the parents were "unfit persons to have the charge of him."[6] The court might direct the guardian to have "the control of the person of such minor, and the management of his estate."[7]

After 1866,[8] if a minor's father left the state and for two years neglected to provide for his support and education, the probate court might, upon the application of any relative, appoint the mother or other proper person

[1] P. 506, § 40.

[2] 1875, 193, § 1 *et seq.* These provided for the binding of minors by themselves or by fathers and guardians (§§ 1, 2), for the punishment of refractory apprentices (§ 5), for bringing back absconding apprentices (§ 6) and making them responsible for the damage sustained by the master (§ 8), and for the supervision of the treatment accorded to apprentices. The trustees and directors of the reform schools were expressly included among those charged with this duty (§ 7).

[3] C. 38. [4] C. 38. [5] C. 62.

[6] The revision of 1866 (p. 313, § 68) had specified as possible causes, "insanity, want of understanding, intemperance, cruel treatment, abandonment, or wanton neglect."

[7] 1875, 191, § 5. [8] C. 33.

guardian. Thereupon the legal rights of the father to the control and custody of his child ceased.[1]

In either case, if there was any estate, the guardian was to give, not merely the usual probate bond, but one "with surety, for a faithful discharge of his trust, according to law."[2]

Besides these new statutes, there were the old laws punishing one who abandoned a child under six,[3] or enticed from his lawful custodian a child less than twelve.[4] The law of 1837 regarding the custody of the minor children of a woman divorced upon her complaint or living apart from her husband because of his abandonment or cruelty, was also retained, the jurisdiction being given to the superior court.[5]

EMPLOYMENT AND EDUCATION LAWS

The remaining laws concerned the closely connected subjects of the employment and the education of children. The purpose was to prevent injury to health by limiting hours of labor, to secure for each child a minimum of education, and thus to remove two causes of pauperism. In 1865 and 1869 statutes were passed for the establishment of a state board of education[6] and for town regulations regarding truants.[7] These were modified and all the laws relating to education embodied in the comprehensive education act of 1872,[8] which was still in force in 1875. This law retained the ancient provision that all who had charge of children should "bring them up in some honest and

[1] 1875, 191, § 6; 1856, c. 38, authorized the appointment of a guardian for a child abandoned by his father.

[2] 1875, 192, § 9.

[3] 1875, 500, § 15. The fine was raised from $400 to $500.

[4] 1875, 499, § 10. [5] 1875, 189, §§ 7, 8. [6] 1865, c. 115.

[7] 1865, c. 51; 1869, c. 123. [8] C. 77.

lawful calling or employment; and . . . instruct them or cause them to be instructed in reading, writing, English grammar, geography, and arithmetic." [1] It also required each child between the ages of eight and fourteen to attend some public or private day-school for at least three months in each year, six weeks at least of which had to be consecutive. The penalty for employing any child under fourteen who had not had this schooling during the preceding year, was a fine of $100.[2] The school visitors [3] in each town were required to see that this law was enforced, while the state board of education might appoint an agent for the same purpose.[4] This was supplemented by an act of 1867 [5] forbidding, under pain of a fine of $50, half to the complainant and half to the town, the employment of a minor under fifteen more than ten hours in any one day or fifty-eight hours in any one week. A fine of $10 was incurred by a parent or guardian who permitted a child to be employed contrary to these provisions.[6]

The selectmen were still required to "inspect the conduct of the heads of families," to see if the education of the children was neglected. If it was, and, after admonition, the neglect still continued, they were, with the advice of a justice, to bind the children to a master or to a charitable institution, boys until twenty-one and girls until eighteen.[7]

In addition to these sections, there were the truancy laws of 1865 and 1869, as modified by the education act of 1872 and the revision of 1875. Cities and towns might make

[1] This list was longer than the old one.

[2] 1875, 126, §§ 1, 2; *cf.* 1869, c. 115.

[3] Six to nine persons with authority to examine teachers, prescribe text-books and rules, *etc.* 1875, 129, § 2.

[4] 1875, 127, §§ 5, 6.

[5] C. 124, §§ 1-3.

[6] 1875, 194, § 9.

[7] 1875, 127, § 7.

regulations regarding truants and children, between seven and sixteen, wandering about without occupation and growing up in ignorance, and also by-laws conducive to the welfare of children and to public order, with suitable penalties not exceeding $20 for any one breach. Such by-laws were valid only when approved by the superior court. Any town and the mayor and alderman of any city having such by-laws were annually to appoint three or more truant officers, with sole authority to prosecute violations thereof.[1]

The police, bailiffs, constables, sheriffs, and deputy sheriffs might arrest boys, supposed to be truants, between the ages of eight and sixteen, who habitually wandered in public places during school hours, and might, during such hours, stop any boy under sixteen to ascertain if he was a truant, and if so might send him to school.[2] A truant arrested a third time, if not immediately returned to school, was to be taken before the judge of the criminal or police court or any justice of the peace. If it appeared that he had no lawful occupation, was not attending school, was an habitual truant, or was growing up in habits of vice or immorality, he might be "committed to any institution of instruction or correction, or house of reformation in said city, borough, or town, or, with the approval of the selectmen, to the state reform school, for not more than three years." In all such cases a warrant had to be issued and notice of the hearing be given to the father, if living, or if not, to the mother or guardian, if possible. After the hearing, judgment might be suspended indefinitely.[3]

Upon the request of a parent or guardian, similar proceedings might be taken regarding a girl between eight and fifteen, and she might be committed to the industrial school.[4]

[1] 1875, 127, §§ 8, 9.
[2] 1875, 128, § 11.
[3] *Ibid.*, §§ 11-13.
[4] *Ibid.*, § 14.

The enforcement of these regulations was rendered easier by the school census, which was made every January, and contained the name of each child between four and sixteen, together with the names of the parents, guardians, or employers.[1] First ordered in 1820[2] to secure a basis for the distribution of the school fund, derived from the sale of the state's western lands, this complete list of children of school age simplified the enforcement of the truancy laws: It was to the interest of the school districts to make the lists complete.

DECISIONS

Two decisions bearing upon these laws demand brief notice.

A minor in the service of a master under a parole contract of apprenticeship, has a right to leave the service during his minority, thus terminating the relation, and hire himself out to another, without giving the former master ground for action against the third person. The court declared, but only as a dictum, that it *seemed* that the seduction of a *de facto* servant is actionable.[3]

A father is entitled to the custody and control of his minor children and cannot divest himself of the right by agreement with the mother, or lose it by permitting her to take them away. Neglect to care for children does not constitute an emancipation for them. If a father recovers possession of a child by strategem or fraud, the fact is not material in an action at law.[4]

V. Summary

The period under consideration was marked by two fea-

[1] 1875, 143, § 1.
[2] C. 50.
[3] 1847, Peters *v.* Lord, 18 *Conn.*, 337.
[4] 1867, Johnson *v.* Terry, 34 *Conn.*, 259.

tures preëminently, an increased use of institutions and an enlargement of the functions of the state.

The institutional trend was seen, not only in the erection at state expense of the insane asylum and reform school, but also in the maintenance by the state of institutions under private control, such as the industrial school for girls, the school for imbeciles, and the soldiers' orphans' home. It was manifested also in grants to hospitals and to Fitch's Home for Soldiers, and in appropriations for the institutional care of the deaf and dumb and of the blind. Besides, many charters were granted for private asylums and homes for children, inebriates, and the sick. One city institution was incorporated, the Hartford Home, but its career was short.

Alongside of this trend was an increase in state activity. Just before the close of the last period the system was almost purely one of relief by towns. In 1875 the state had assumed somewhat greater responsibility for those without settlements in Connecticut and, more important yet, it had appointed a state commission with the power of authoritative supervision of all charitable, reformatory, and penal institutions. This was an important step, for it showed a recognition by the state of its duty to see that dependents were properly cared for, whether by its own officials, by local authorities, or by private philanthropists.

It was particularly in the realm of special legislation that the state enlarged its sphere of activity. The governor was empowered to secure proper care, not only for the deaf and dumb, as in 1838, but also for the blind and the imbecile.

In 1838 the public provisions for the insane had been obligatory merely for those who were a public menace. With the increase of knowledge regarding the cause and cure of insanity, the state attempted to secure for all its

insane medical treatment and proper custody. This was done through the erection and maintenance of the state hospital for the insane, by aiding the towns to support their insane paupers in public or private institutions, by authorizing them to contract for such treatment, and by assisting the friends of the indigent insane to secure for them treatment in the state hospital. Quite elaborate safeguards were devised to prevent unjust confinements, although, probably through oversight, most of these were omitted from the revision of 1875.

An attempt was made to use similar methods for the cure of drunkenness but with less success. Most of the institutions chartered for this purpose have long since been closed.

The Civil War led to measures for the relief of veterans, the support of those disabled by the conflict, and the families of such as were wounded or killed. This was done by exemptions from taxation, by direct grants to those in need, and by providing for institutional care in hospitals, Fitch's Home, and the home for soldiers' orphans.

Much attention was devoted to measures for the protection and care of minors. Through the education, truancy, and employment laws they were guarded against ignorance and poor health. Under certain circumstances children might be given in adoption, instead of being bound out as apprentices, and they might have guardians appointed for them if their parents were unable to give them proper care. Those who were on the verge of lives of crime were to be rescued through the reform and industrial schools. By granting a charter to the Hartford Home, the state recognized the fact that it might become the duty of the public to care for neglected or needy children in different ways than by indenturing them or supporting them in jails, workhouses, almshouses, or even reform schools. Unfor-

tunately, it was many years before this obligation was permanently embodied in the statutes or policy of the state. Towns were permitted to entrust their dependent children to charitable institutions of the state and contribute to their support.

It will be noted that with the exception of the incorporation of the Hartford Home, practically every step in advance that was taken meant, not increased responsibility for the local communities, but the entrance of the state itself into a new field.

Among the less important changes may be noted the stricter regulations of overseers, the changes in the laws regarding conservators in the matter of jurisdiction, duties, and those for whom such custodians might be appointed; and the new statutes for the support of the children of divorced parents, and for the confinement as a pauper of a father who abandoned his child to be cared for at public expense.

Further changes were made in the workhouse system, which meant its virtual abandonment. The workhouses were merged with the jails, although the maintenance of separate workhouses was still permitted.

The whole subject of pauperism was investigated twice and it was evident that much dissatisfaction was felt with the system, but no important changes were made. There was a slight increase in freedom of residence, the laws regarding the care of those without settlements in the state were simplified, and the state assumed somewhat more responsibility, especially for released prisoners.

CHAPTER V

PERIOD OF SPECIAL LEGISLATION, 1875-1903.

I. Chief Characteristic

The number of laws relating to pauperism passed since the revision of 1875 has been very great. Yet no permanent fundamental change has been made, most of the acts having been special legislation. In fact, this is the characteristic of the period, 1875-1903.

II. Preventive Measures

1. LAWS OF SETTLEMENT

While the present laws of settlement are similar to those of 1875, an interesting experiment was tried in the early years of the period. The commission of 1874, referred to in the last chapter, recommended a radical change in the laws of settlement. They declared:

> The present laws relating to the settlement of paupers, with some few changes and additions, were adopted during the latter part of the eighteenth century. The men who formed the statutes of 1789 and 1795, relating to this subject, probably cared more for the exclusion of heretics than of paupers. They therefore so formed the law that they could reach those adventurers, whose religious views, not agreeing with their own, did not meet their approbation. They knew perfectly well what they intended to accomplish, and it must be admitted that the work was well done. The temper of the people, and the condition of the state, have materially changed in the

last hundred years . . . Its citizens . . . believe that every man, so long as he commits no crime, and supports himself and family, has the right to select his own domicile whether he was born in this or some other state. This right the present law denies to those who come to Connecticut from other states without a certain amount of property, and if the town authorities see fit, such persons can be warned to depart, and fined if they dare to remain. In the opinion of this committee the true policy of the State is to give a legal settlement to every person, who resides continuously in any town a certain number of years, and during that time provides for and maintains himself and his family.[1]

The statute of 1875, enacted on their recommendation, read:

Every citizen of the United States who shall reside four years continually, and every person who is not a citizen of the United States who shall reside five years [2] continuously in any town in this state, and shall, during the whole of said period, have maintained himself and family without becoming chargeable, shall gain a settlement therein.[3]

If an inhabitant of another state or country became chargeable during the first year of his residence in a Connecticut town, the selectmen might apply to a justice of the peace for a warrant for his removal by a constable at the expense of the town to the place in the adjoining state from which he entered Connecticut, or to the place of his former residence. After the year his removal was apparently not permitted.[4] Similarly, an inhabitant of Connecticut who came to want away from the town of his settlement, might at any time before a new settlement was

[1] *Op. cit.*, p. 9.
[2] Four years by 1878, c. 94, § 1.
[3] 1875, c. 93, § 1.
[4] *Ibid.*, § 5.

acquired be sent back by the town of residence at the expense of the other town if the latter did not remove him when notified of his need.[1] Further, one who brought into and left in a Connecticut town a person who was not an inhabitant there and who came to want within one year, was required, upon demand of the selectmen, to return him to the place from which he came[2] or pay $70.[3] If the purpose had been to make him chargeable to the town, the offender was to pay $100 and reimburse the town for its expense.[4] The former provisions regarding the settlement of married women, children, and those born in institutions were not changed.[5] The old laws of settlement were all repealed.[6] In 1878 it was enacted that no settlement might be secured under the act of 1875 unless the residence had begun after August 20, 1875, and that if a man died before the expiration of the required four years, his family might complete the settlement by supporting themselves in the town for the remainder of the term.[7]

Had this law been allowed to stand, it would have reduced the expense of litigation by substituting these simple requirements for the complicated laws of settlement as interpreted by the courts. The small towns feared that in some way the new provisions would be against their interests. Through their influence the law was repealed before it had been tested. In 1879[8] most of the old laws were reënacted and are to-day in force, with only slight modifications.

One who is not an inhabitant of some state or territory of the United States is permitted to gain a settlement in a Connecticut town only by vote of the inhabitants[9] or by

[1] 1875, c. 93, § 6. [2] *Ibid.*, § 7. [3] Added by 1878, c. 94, § 18.
[4] 1875, c. 93, § 7. [5] *Ibid.*, §§ 2, 4. [6] *Ibid.*, § 11.
[7] 1878, c. 94, §§ 1, 2. [8] C. 20. [9] From 1643. *Vid.* p. 26.

consent of the justices of the peace and selectmen [1] acting as one board. Meetings for this purpose may be called by any two of these officials upon three days' notice, and a majority of the two boards constitutes a quorum.[2]

An inhabitant of a state or territory of the United States, Connecticut excepted, becomes an inhabitant after a year's residence, either by vote or consent in the manner just described,[3] or by the possession in his own right in fee of unincumbered real estate in Connecticut of the value of $334, the deed for which, if the title is by deed, has been recorded for one year.[4]

An inhabitant of a Connecticut town gains a settlement in another town by vote or consent [5] or by a four years' self-supporting residence.[6] The mere ownership of property no longer secures a settlement for such persons. The widow and minor children of such a man may complete a settlement by commorancy begun by him, by supporting themselves for the remainder of the term.[7] If a woman with a Connecticut settlement marries a man without one, she retains her own for herself and her minor children until a settlement is gained by the husband or the family under the provisions just recited.[8]

Since 1885,[9] if either party to a marriage has been within

[1] From 1750. *Vid.* p. 69.

[2] *Revision 1902*, §§ 2466, 2467. Hereafter only the section will be cited. From 1836–37, c. 73. *Vid.* p. 104.

[3] From 1643, 1750. *Vid.* pp. 26, 69.

[4] § 2468; from 1770, 1813, Oct., c. 9. *Vid.* pp. 70, 102.

[5] From 1643, 1750. *Vid.* pp. 26, 69. In actual practice no settlements are granted by consent or vote. All new settlements rest upon residence.

[6] § 2469; first similar law, 1792. *Vid.* p. 100.

[7] From 1878, c. 94, § 2.

[8] § 2470; from 1854, c. 70. *Vid.* p. 174.

[9] C. 44.

a year a pauper, the marriage does not "change or affect the settlement of either, or the liability of a town to support persons in existence at the time of the marriage."[1] No child born of a state pauper in the state poorhouse or born while the mother is supported by a contractor for the state poor[2] or is residing as a beneficiary in a hospital or benevolent institution,[3] is deemed by reason of birth alone to be settled in the town of birth.[4]

The penalties for bringing into the state persons who become paupers within a year are those provided by the statutes of 1875 and 1878, just cited.[5] The provisions for the removal of paupers who come to want away from their place of settlement remain as they were in 1875 as given above.[6]

If an inhabitant of Connecticut loses his settlement by gaining one in another state, but later returns and becomes a pauper, the town of previous settlement is liable for his support.[7] This is identical with the former law, which was held to restore the previous settlement.[8]

The non-payment of taxes is no longer a bar to acquiring a settlement, and there is no authority for warning a stranger to leave and fining him if he remains. Only "inhabitants" of the United States may be removed.

Thomaston is the only town formed within the period. It was incorporated in 1875[9] and was to maintain one-half of the then poor of the town of Plymouth, from which it was set off. With this exception, in each change in town boundaries the rules already described were followed. The

[1] § 2471; 1885, c. 44. [2] From 1854, c. 73. *Vid.* p. 174. [3] *Cf.* 1863, c. 20.
[4] § 2472. [5] § 2475. First similar law passed in 1792. *Vid.* p. 100.
[6] §§ 2473, 2474. Removals first authorized in 1682. *Vid.* p. 30.
[7] § 2489; from 1821. *Vid.* p. 134. [8] 34 *Conn.*, 270. *Vid.* p. 176.
[9] *S. A.*, p. 93.

town to which new territory was added became responsible for those inhabitants of the old town whose last residence or settlement was within the territory in question. For Thomaston, too, it was prescribed that residence should determine the responsibility for absentees who might come to want.

DECISIONS

A few additional decisions call for notice. The court held in 1886 that a town was not bound by the result of arbitration in a question regarding settlement, made by one of the selectmen, when one other member of the board had agreed that this one "should attend to the case," and the third had not been consulted.[1]

No minor can change his settlement acquired by birth.[2]

The selectmen of the town of settlement may bring back, without resort to legal process, paupers who are chargeable elsewhere and keep them in the almshouse until they are no longer public charges.[3]

The most important decisions refer to the acquisition of settlements by commorancy, especially by those not regularly settled in Connecticut towns. When the law required the payment of all taxes as a condition of the acquisition of a settlement, it was not necessary to prove that a woman had paid taxes, because none might have been assessed against her.[4] If a town is not put to actual expense for the support of a person, he maintains himself without becoming chargeable as required by law, even though he may be partly or wholly supported by charity.[5] If one does in fact cease to reside in a town before the expiration of the required

[1] Haddam *v.* East Lyme, 54 *Conn.*, 34.

[2] 1899, Harrison *v.* Gilbert *et al.*, 71 *Conn.*, 724. [3] *Ibid.*

[4] 1875, Beacon Falls *v.* Seymour, 43 *Conn.*, 217.

[5] 1900, Ridgefield *v.* Fairfield, 73 *Conn.*, 47.

period of four years, no settlement is gained there, even though there was no intention of changing the domicile by moving.[1]

The word "inhabitant" in *General Statutes,* section 2469 (the settlement of inhabitants of Connecticut towns), is used in the ordinary popular sense and means a resident of the town in which one has an abode or dwelling-place.[2] But at the same time the person must have a fixed, permanent dwelling-place; a mere temporary residence is insufficient, though a settlement is not required.[3]

These two decisions are liberal interpretations of the law regarding settlements, but still it remains difficult, if not impossible, for one who is not settled in Connecticut and owns no real estate to gain a settlement. The present rulings may be summarized as follows: No alien gains a settlement in Connecticut by commorancy.[4] No inhabitant of another state who enters a Connecticut town gains a settlement there by commorancy,[5] for mere commorancy does not give a settlement to a person not already an inhabitant of the state.[6] A person born in the United States, whether the son of an alien or not, is a citizen of the United States, and becomes an inhabitant of a Connecticut town by residence there either before or after he is twenty-one. If he later removes to another town, he may become a settled inhabitant there by supporting himself for four years after attaining his majority.[7] This holds for a citizen of

[1] 1901, Fairfield *v.* Easton, 73 *Conn.*, 735.

[2] 1897, New Haven *v.* Bridgeport, 68 *Conn.*, 588.

[3] 1900, *ante*, 73 *Conn.*, 47.

[4] 1888, Guilford *v.* New Haven, 56 *Conn.*, 465.

[5] 1900, Guilford *v.* Norwalk *et al.*, 73 *Conn.*, 161.

[6] 1883, Windham *v.* Lebanon, 51 *Conn.*, 319.

[7] 1886, New Hartford *v.* Canaan, 54 *Conn.*, 39; 1886, Canton *v.* Simsbury, 54 *Conn.*, 86; *cf.* 1884, New Hartford *v.* Canaan, 52 *Conn.*, 158.

another state or for an alien naturalized in Connecticut; but he must in either case remove from one Connecticut town to another. Otherwise, his mere residence confers no settlement.[1] In this last decision the court questioned whether a residence of four years after a person had been admitted an elector would confer settlement. In discussing positions previously taken the court declared: "If it [56 *Conn.*, 465] must be regarded as deciding that a citizen of another state coming therefrom to a town in this state can gain a settlement therein by a self-supporting residence there of four years, it should be overruled." This decision also set aside a dictum of 52 *Conn.*, 158, criticising the statute because it appeared to permit the settlement of one naturalized in another state who then removed to Connecticut but not of one naturalized in Connecticut.

The strange thing is that a mere change of residence makes possible a settlement for a person who could not without it secure one.

A woman's marriage creates no presumption that her settlement was changed; it must be shown that her husband has one.[2] Children born in Connecticut of parents without a settlement are settled in their birthplace until the father's settlement can be discovered.[3]

2. SUPPORT OF RELATIVES

No important changes have been made in the laws regarding the responsibility of relatives and the liability of estates.

There still remain three ways of dealing with a person who does not support his family. A parent who allows a minor child to be supported as a pauper, is thereupon

[1] 1885, Vernon *v.* Ellington, 53 *Conn.*, 330; 1900, *ante*, 73 *Conn.*, 161.
[2] 1883, *ante*, 51 *Conn.*, 319. [3] 1900, *ante*, 73 *Conn.*, 161.

himself deemed a pauper and as such may be removed by the town of settlement and supported in the almshouse.[1]

Second, a man who fails to support his wife or children may be sentenced to hard labor in the workhouse or county jail for not more than 60 days,[2] unless, as enacted in 1881,[3] he proves to the satisfaction of the court or justice of the peace before whom he is tried "that, owing to physical incapacity or other good cause, he is unable to furnish such support." By statutes of 1882,[4] 1885,[5] and 1893,[6] the court may, in lieu of this penalty,

> accept . . . a bond to the treasurer of the town in which such conviction is had, or in case of conviction on appeal, to the treasurer of the town in which such conviction is originally had, with good and sufficient surety, conditioned for the support of the wife, child, or children, as the case may be, or for the payment of such sums towards such support as the court may find the necessities of the case and the ability of such person may require, for the term of six months from and after the date of such conviction, and such justice or court may accept such bond at any time after such conviction and order the person so convicted to be released. Justices of the peace . . . have jurisdiction of prosecutions under this section.

If such bond is given, but its conditions are not complied with, the selectmen are required immediately to "furnish . . . support . . . to the extent provided for in such bond."[7]

The third method is the familiar one which applies to husbands, parents, grandparents, children, and grandchildren. It is the duty of such persons, if able, to support

[1] § 2479; from 1860, c. 30. *Vid.* p. 206. [2] From 1727. *Vid.* p. 63.
[3] C. 132. [4] C. 30. [5] C. 20. [6] C. 83.
[7] §§ 1343, 1344.

those who have come to want. If they neglect this duty, the wife, the selectmen of the town, or any of such relatives may bring a complaint to the superior court of the county where the poor person resides against any of those responsible. The court "may order the defendant or defendants to contribute . . . , from the time of serving such complaint, such sum as may be reasonable and necessary, and may issue execution monthly or quarterly for the same, which, when collected, shall be paid to said selectmen or to said wife or other person needing support . . . as the court may order." When the complaint is brought by the selectmen or wife, the court, or any judge thereof in vacation, may require the defendants to give bond to the selectmen or wife to abide the judgment.[1]

Any party who has thus been ordered to contribute may at any time prefer his complaint to the superior court for relief. If the court finds that he is required to contribute beyond his ability or the sum needed, it may again direct how much, if anything, he shall contribute. If the amount thus contributed is insufficient for support, the remainder must be furnished by the town.[2]

By an act of 1895,[3] it is provided that if a trust has been created for a term of years with remainder to a beneficiary who is incapable of managing his affairs or fails properly to support his wife or family, any of these may apply to the court having jurisdiction over the trust, setting forth the facts. If the court finds them true, it may continue the trust and direct the trustees to hold the funds and expend the income for the benefit of the beneficiary and his wife or family, as the court may direct and until otherwise ordered,

[1] § 2499. First similar law, 1715. *Vid.* p. 75.

[2] § 2501; from 1873, c. 20. *Vid.* p. 181. [3] C. 70.

first giving notice by publication and by sending a copy of the application and of the order of notice to the beneficiary at his last known place of residence.[1]

DECISIONS

Two decisions have recently interpreted the obligations of parents and children to furnish support.

In the first case, a daughter had offered to care for her mother, who was settled and living in another town, in her own home with adequate material surroundings, but had treated the mother with such unkindness and neglect that the latter could not remain. The daughter maintained that she had fulfilled the statutory requirement and could not be compelled to support her mother in the latter's town. The court declared that she might properly be required to contribute to her mother's support in the town of settlement, the mere fact that she was in duty bound to furnish the support giving her no right to determine where it should be furnished.[2]

In the second case, a wife had brought action against her husband for an order of maintenance for herself and her infant child. On he second trial, the judgment was given of a monthly payment from the institution of the action for which execution should issue monthly " for the amount of any payment or payments then unpaid." Such an order, allowing a monthly payment and awarding a gross sum for the months since action was begun, was declared legal. The court also decided that while the needs of the plaintiff are to be estimated as of the day when suit was begun, it is proper to take into consideration the actual course of events since; that the fact that the wife has not

[1] § 257. [2] 1901, Condon *et al. v.* Pomroy-Grace, 73 *Conn.*, 607.

asked aid from the town but has been supported by her parents does not relieve her husband from liability to contribute to this expense; and that the wife's circumstances in life may be considered in determining the proper cost of board and clothing.[1]

3. SUPPORT OF CHILDREN BY DIVORCED PARENTS

The duty of divorced parents to support their minor children "according to their respective abilities" is the same as it was in 1875. The superior court may, upon the complaint of either parent, at or after the dissolution of a marriage by divorce, inquire into the ability of each, make and enforce such decree against either or both as it deems just, and direct that proper security be given therefor.[2] By an act of 1877[3] the superior court was given like authority regarding the minor children of a marriage which it declared for any reason void.[4]

In 1876 the court decided that a father was still liable for the support of a child though the custody had been awarded to the mother upon her petition for divorce and she had waived her claim to alimony in consideration of a voluntary payment to her by her husband.[5]

4. SUPPORT BY HOST AND EMPLOYER

The ancient statute regarding the liability of a host to care for his guest if he came to want or fell sick, which in some form or other had been on the statute books from the earliest period, was repealed in 1875.[6]

Whoever employs in the manufacture of paper one who

[1] 1902, Cunningham *v.* Cunningham, 75 *Conn.*, 64.
[2] § 4561; from 1854, c. 38. *Vid.* p. 182. [3] C. 14. [4] § 4562.
[5] Welch's Appeal, 43 *Conn.*, 342. [6] C. 93.

has neither had smallpox nor been vaccinated, is required to "pay to any town all expenses caused it by the sickness of such person with smallpox, contracted while so employed." [1]

5. REIMBURSEMENT FROM PAUPER'S ESTATE

There have been a few changes in the laws which make a pauper's property or estate liable for expenses incurred in his behalf.

In conformity with an act of 1876,[2] whenever a person is supported as a pauper by any town, he is liable to pay for his support a reasonable amount. On his failure to do this, his executor or administrator is liable, provided he has in his hands sufficient assets belonging to the pauper's estate. The amount may be recovered in a civil action and the statute of limitations may not be pleaded therein.[3] There is a similar obligation to repay a town any sum expended for the support of an insane person.[4]

If a pauper dies leaving personal estate not exceeding $50 in value, the selectmen may sell it for the use of the town unless some person interested in the estate takes out administration thereon within ninety days.[5] In that case the administrator would be liable under the other section.

6. DISCLOSURE OF PROPERTY BY APPLICANT

An act of 1885 [6] was passed to prevent any person with property from becoming a pauper. Every one applying for or receiving aid may be required by the selectmen to make a full disclosure of his financial condition and property, to reduce it to writing, and to sign and make oath to the same.

[1] § 4693; from 1849, c. 36. *Vid.* p. 183. [2] C. 77.
[3] § 2480. [4] *Ibid.* Imposed by 1879, c. 101.
[5] § 2488; from 1831, c. 28. *Vid.* p. 118. [6] C. 45.

Any one who has property belonging to such an applicant or pauper or is indebted to him or who knows of any property belonging to him, must, upon the presentation by selectmen or their attorney of a certificate signed by them or him, stating that the person has applied for or is receiving relief, make a full disclosure of the property or indebtedness. This includes any officer having control of the books and accounts of any corporation which possesses or controls such pauper's property or is indebted to him. An applicant or pauper who refuses to make such disclosure, and every one who in any way defrauds or assists in defrauding a town as to the support of paupers, or deceives selectmen in obtaining support for one not entitled to it, may be fined not more than $500, or imprisoned not more than one year, or both. Every person who refuses to make the disclosure regarding the property of the applicant may be fined not more than $100. Any one who violates these provisions is to pay just damages to the town injured thereby.[1]

7. CONSERVATORS

In 1885[2] there was a revision of the probate laws, which include the statutes regarding conservators, but it made only minor changes in these. It is necessary merely to summarize the present laws.

A conservator may be appointed for any person having property who is incapable of managing his affairs, upon the written application of the selectmen of the town of residence or domicile (not necessarily of settlement) or of his husband, wife, or any relative. Selectmen may also apply for the appointment of a conservator for one under an overseer who refuses to submit to his authority and is likely to be

[1] §§ 2481–2483. [2] C. 110.

reduced to want. The application is made to the court of probate for the district within which the person resides or has his domicile, which thereupon issues a citation to the respondent to appear before it at a time and place named therein, of which an attested copy must be left, at least twelve days before the day named for the hearing, with him or at his usual place of abode. If the application is not made by selectmen, similar notice must be given to one of the selectmen of the town in which the respondent resides. If the person is an inhabitant of another district, the court prescribes the method of serving the notice upon him. The husband of a married woman for whom a conservator has been asked, unless he is himself the applicant, is made respondent and notified as if he were a selectman respondent. No conservator may be appointed for the property of a married woman, living out of the state, except upon the application or with the written assent of her husband on file in the court.[1] By an act of 1897,[2] a married woman may be appointed conservator for any incapable person other than her husband.[3]

The act of 1885[4] provided that if, during the pendency of such an application, selectmen lodge with the town clerk an attested copy of the application and of the citation thereon, no subsequent contract or conveyance made by the person before the final adjudication by the court is valid without such court's approval.[5]

[1] §§ 237, 238. Conservators were first expressly authorized in the revision of 1750, the courts having managed the estates of insane persons since 1699. They were substituted for overseers in the second stage by 1869, c. 63. The proceedings were prescribed in substantially this form by 1829, c. 12. *Vid.* pp. 48, 76, 118, 197.

[2] C. 77. [3] § 364. [4] C. 110, § 83.

[5] § 239. Enacted because in 1883 (Baker *v.* Potter *et al.*, 51 *Conn.*, 78) it was held that the disability did not begin until the conservator was actually appointed.

After the hearing, the court may appoint a conservator, who, upon giving a probate bond, has "the charge of the person and estate of such incapable person." [1] When a conservator has been appointed for a married woman whose husband is capable of caring for her, the conservator, unless he is her husband, has charge only of her separate estate and not of her person or other estate, except that if her husband has abandoned her, he has the same duties as if she were unmarried.[2] Since 1895 [3] the court has had authority, upon hearing after public notice, to determine what portion of her estate may properly be applied for her support, maintenance, and medical treatment, by the conservator, whether her husband or not.[4]

The wife of a man under a conservator has the rights of an unmarried woman regarding her estate.[5]

When any person under a conservator becomes a settled inhabitant and actual resident of a town in a probate district other than that in which the conservator was appointed, the court of probate of that district must, upon the application of the selectmen of the new town or of the husband or wife or any relative, make due inquiry; and, on finding that the settlement and residence are as alleged, may appoint as conservator a resident of the district, who gives the usual bond. It is his duty immediately to leave a certificate of his appointment with the former conservator, who thereupon settles his account with the court which appointed him, filing an inventory, under oath, of the estate remaining in his possession. He then delivers to the new conservator all personal property and choses in action belonging to the incapable person, and the new conservator succeeds to all his rights as such.[6]

[1] § 237. [2] From 1882, c. 6. [3] C. 92. [4] § 240.
[5] § 4540; 1881, c. 149. [6] § 244; from 1869, c. 45. *Vid.* p. 190.

If a person having property disappears or is missing, and his abode cannot be ascertained, the court of probate of the district where he resided or had his domicile at the time of his disappearance may, upon application by the husband, the wife, a relative, or a creditor, by any person interested in the estate, or by the selectmen of the last town of residence, appoint a trustee for the estate for a term not exceeding seven years, provided the person remains unheard of, or until there is proof of his death or the estate is settled on the presumption of his death. If he returns, the trustee may be relieved. Such a trustee has the duties of a conservator.[1]

An appeal from any act of a probate court regarding conservators may be taken within one month to the superior court, upon giving bond to prosecute the same to effect.[2]

The bond of a conservator is a regular probate bond,[3] and is required to "be payable to the state, . . . for an amount satisfactory to the court of probate . . . , and with one or more sureties, residents of this state, or with a surety company authorized to do business in this state, whose sufficiency" is approved by the court.[4] The court may at any time require that additional bonds be given, and if the conservator neglects to comply, may remove him.[5] The surety may apply in writing to the court for an order for the exhibition before it of the condition of the estate held by the conservator. If it appears at a hearing after reasonable notice that the application is made in good faith, the court may issue the order. For refusal to obey the order or the discovery of mismanagement, the conservator may be removed and another appointed.[6] The

[1] § 252; 1889, c. 75. [2] §§ 406, 407. [3] § 237.
[4] § 210. [5] § 211; from 1836–37, c. 61. *Vid.* p. 120.
[6] § 213; from *Rev. 1866*. *Vid.* p. 189.

surety, his heirs, executors, or administrators, may also apply for relief from further liability. If the court decides after notice and hearing that the application may be granted without prejudice to the estate, it may order the conservator, within a specified time, to give a new probate bond. If this is not done, he may be removed and another conservator appointed. If the new bond is given, the surety upon the old bond and his representatives are not liable for any subsequent breach; and in any case a surety who has become liable may sue his principal for his security.[1] No suit can be maintained against the surety of any probate bond unless brought within six years from the final settlement of the principal's account in such bond and its acceptance by the probate court.[2]

A conservator who converts to his own use the property of his ward, may be fined not more than $10,000, or be imprisoned not more than ten years, or both.[3]

The revision of 1888 contained a section [4] for the removal of "any executor, administrator, guardian, conservator, trustee, or any person acting in any fiduciary capacity," if he became incapable of executing his trust, neglected to perform his duties, or was wasting the estate. The court might do this after notice and hearing, "on its own motion, or upon the application and complaint of any person interested." The court might also, after notice and hearing, accept or reject the written resignation of such appointee, but no resignation might be accepted until a satisfactory accounting had been made with the court. Upon such removal or resignation the court was empowered to fill the vacancy. The revision of 1902 retains this section,[5] but omits the words, "guardian, conservator,

[1] § 214; from 1854, c. 49. *Vid.* p. 189.
[2] § 1112; from 1893, c. 75. [3] § 1412; 1878, c. 49. [4] § 611. [5] § 371.

trustee," which, however, are retained in the following section, empowering the court to enforce the delivery of the estate to a new appointee after the removal of his predecessor. The omission has no significance, for conservators would fall within the statute as persons acting in a "fiduciary capacity."

DUTIES AND POWERS

The duty of a conservator to care for his ward's person and estate is defined as follows:

> The conservator shall return an inventory, under oath, of the estate of the incapable person, and shall manage all such estate and apply so much of the net income thereof as may be required, and, if necessary, any part of the principal of the estate, to support him and his family, and to pay his debts, and may sue for and collect all debts due to him.[1]

Conservators need not change the investments of the estate received by them unless the probate court so orders, and they are not "liable for any loss that may occur by depreciation of such securities."[2] Upon the written application of a conservator and due hearing after public notice, the court may for reasonable cause "order the sale of the whole or any part of the real estate" of his ward "or of growing trees thereon, or any interest in the soil or land, and empower such conservator to sell and convey the same, on his first giving a probate bond."[3] The court may authorize another person to make the sale after giving a probate bond. Public notice of such sale must be given and the proceeds must be paid to the conservator, who

[1] § 240. [2] § 255; applied to conservators by 1885, c. 110, § 90.

[3] § 241. Before 1783, May, sales authorized by general assembly. *Vid.* p. 76.

may be the purchaser.[1] All of the avails of the estate sold that are not needed for the immediate support of the ward or the payment of his debts, must be invested in other real estate, to be conveyed to the incapable person, or must be invested as trust funds may be invested;[2] that is, they may be loaned on the security of mortgages on unincumbered real estate in Connecticut, double in value the amount loaned, or may be invested in the bonds or loans of the state or of any town, city, or borough in Connecticut, or in any securities which the savings banks of the state are authorized to invest in, or may be deposited in savings banks incorporated by the state.[3] The person making a sale makes a return of his proceedings as soon as may be.[4]

Instead of ordering the sale of real estate, the court may authorize a conservator of a ward residing in that district or of a resident[5] of another state owning real estate there,

upon giving a probate bond, to mortgage the whole or any part of the real estate of such ward, to secure any liability of said ward, or to raise money to pay the same or any mortgage upon his real estate, or to repair or improve the buildings thereon, or to provide for the support and education of such ward.

A note and mortgage legally executed by him as conservator binds the estate, but does not bind him individually.[6]

Upon the written application of a conservator, the probate court may authorize him to submit to arbitration any claim against or in behalf of the property under his control. The award, when written and signed, returned to the court, and accepted by it, is binding upon all parties.

[1] § 356; from 1848, c. 50. *Vid.* p. 191. [2] § 241.
[3] § 254; from 1885, c. 110, § 89. [4] § 241.
[5] 1897, c. 57. [6] § 245; from 1867, c. 41.

Any party interested may remonstrate against such acceptance on any ground sufficient to set it aside in a court of equity. If the allegations are found true and sufficient, the court refuses to accept the award, and the matter in controversy may again be submitted to arbitrament.[1]

A conservator is required to make return of his ward's personal estate to the town assessors where the ward resides.[2] He may represent state bank stock in his control "in all matters touching the conversion of such bank into a national banking association and may subscribe to its capital stock." [3] The conservator of a person who is *non compos mentis* may give releases for all damages for lands taken by a railroad company as if the same were holden in his own right.[4] With the consent of the court, a conservator may subscribe for and take the shares of the increased capital stock of a corporation whose shares he holds for his ward, or dispose of the rights.[5] A conservator whose ward is a mortgagee may release the legal title to the party entitled thereto when the debt is satisfied.[6]

If a conservator makes payments or delivers property or estate in good faith pursuant to an order of the court and before an appeal is taken, he is not liable, although the order may later be reversed, vacated, or set aside; but this does "not prevent a recovery of such money or property, by the person entitled thereto, from any person receiving it or in possession thereof." [7]

Conservators annually render their accounts, under oath, to the court, including an inventory of the estate, how

[1] §§ 348–350; 1885, c. 110, § 43 *et seq.* [2] § 2338; 1883, c. 120, § 2.

[3] § 3420; 1865, c. 98, § 3. *Vid.* p. 194.

[4] § 3671; the marginal note makes this date from 1867, but I cannot trace it back of 1875, 317, § 7.

[5] § 376; 1889, c. 25. [6] § 4049; 1849, c. 31. *Vid.* p. 193.

[7] § 204; 1875, c. 28.

it is invested, and the items of income and expenditure. The court must give proper notice to the parties in interest of the hearing upon the allowance of the report. If the court finds that the value of the estate is less than $500, it need not require the submission of such annual account.[1]

If the court finds, upon due hearing after public notice, that a person under a conservator is able to manage his property, it must issue an order for the restoration to him of what remains of his estate. If the ward dies, the conservator delivers to the executor or administrator the property other than such as has accrued from the sale of real estate, and the avails of the real estate go into the same hands to be distributed as the real estate would have been. In either case the conservator is required to file in the court his final account and the court may audit the account and allow the same if correct.[2] If a conservator dies before completing and accounting for his trust, his executor or administrator settles the account with the court.[3]

If any one has "under his control any property or documents belonging to the estate of a . . . person under . . . a conservator . . . or any thing that may tend to disclose its condition, and on demand therefor . . . refuses to deliver them to him without legal justification," the conservator may make written application to the court of probate. The court then cites the party to appear and examines him on oath. If he refuses "to appear or to answer the interrogatories put to him by said court, it may commit him to prison until he shall conform to the law or be legally discharged." No person is excused from answering on the ground that his answer will tend to con-

[1] §§ 383, 384; from *Rev. 1849*. *Vid.* p. 191.

[2] § 243; restoration of property first provided or in 1821. *Vid.* p. 119.

[3] § 382.

vict him of fraud, but his answer cannot be used against him in any criminal prosecution except for perjury. The same method is prescribed for one who claims to have a lien against the estate of the ward and refuses to disclose the amount and particulars. The expenses of the commitment are paid by the conservator. If he later recovers judgment for the property withheld, the expenses as ascertained by the court are taxed as part of the costs of the suit; or if the party surrenders effects belonging to the estate after imprisonment but without suit, the conservator may recover of him the amount expended.[1]

CONSERVATORS FOR NON-RESIDENTS

There are special provisions regarding the property of residents of other states. The court of probate of the district where the principal part of the personal property of such a non-resident is, may order it delivered to the custodian of the owner appointed under the laws of the place of residence. The custodian must first make written application to the court, alleging that he is the legal custodian in the jurisdiction in which the owner resides, that he has given bond and security therein in double the value of the entire estate, and that the removal of the property from the state will not conflict with the terms and limitations under which it is held. If the court finds the allegations true and the applicant files for record an exemplified copy of the record of the court which appointed him, the court may, after a hearing of which notice has been given to the person having the estate in his custody and to the owner, and upon proof that all known debts chargeable against it and contracted in Connecticut have been paid or satisfied, appoint

[1] §§ 367, 368; 1869, c. 13. *Vid.* p. 193.

the applicant to be conservator of the owner, without[1] further bonds, and authorize the person having the estate "to deliver it to such applicant, who may demand, sue for, and recover it, and remove it" from the state.[2]

If the property is real estate, the court of the district in which some of it is situated may, upon the application of the owner's husband or wife or of any of his relatives, or of a custodian legally appointed in the state of residence, appoint a conservator of the Connecticut property, who gives the regular probate bond. After public notice of hearings has been given, the court may, upon the written application of the conservator, empower him to sell and convey the property when it appears to be to the interest of the owner.[3]

DECISIONS

Several important decisions have been given since 1875.

A probate court may legally appoint a conservator only upon application either by a relative or by a selectman,[4] though the relative need not be one who is liable to furnish support under the statute.[5] A conservator may be appointed only over a person who is "incapable of managing his affairs." A person may be "incapable," although he is capable of doing odd jobs of common work, handling small sums of money, and purchasing simple articles of clothing or provisions.[6]

While the statute provides that the court "shall appoint

[1] 1878, c. 16. [2] § 230; from *Rev. 1875*. *Vid.* p. 188.

[3] § 242; *Cf.* 1851, c. 37. This section is not expressly limited to real estate, but as it authorizes only the sale and subsequent removal of property and as there are other provisions regarding personal property, it would seem that this method is for real estate alone. *Vid.* p. 156.

[4] 1881, Hayden *v.* Smith, 49 *Conn.*, 83.

[5] 1904, Wentz's Appeal, 76 *Conn.*, 405.

[6] 1899, Cleveland's Appeal, 72 *Conn.*, 340.

a conservator" upon petition for one "incapable of managing his affairs," this does not exclude the exercise of discretion on the part of the probate court or of the superior court of appeals.[1]

A right of action is "property" within the meaning of the statute for the appointment of conservators. The right of action to reclaim the title to land in the state is property in Connecticut. An incapable person, whose only property is the right of action to recover lands which he has alienated while in an incapable condition, may have a conservator appointed for him. At the same time, the court may take into account the ward's right of action to reclaim lands in another state and to prosecute demands against non-residents; and it may appoint a conservator for him, if he has a domicile in Connecticut, even though there is pending in another state a suit for the protection of his rights to real property there. The law is designed not only to provide for the person during his life or disability, but presumedly to safeguard what means of support he possesses and what property he owns, which is not needed for his support.[2]

The court may accept as credible the testimony of the person put under a conservator. The weight of his testimony is a matter wholly for the trier.[3]

According to the statute, the court having jurisdiction is that of the district in which the ward has his residence or domicile. A ward went to a town in another probate

[1] 1904, *ante*, 76 *Conn.*, 405. The probate court had denied the petition for the appointment of a conservator, while the superior court had granted it. Each had acted within its powers.

[2] *Ibid.* In this case, the ward had given away his property to his relatives while feeble-minded. He was cared for by his sister, who was then seventy-five years old, but there was no legal obligation resting upon her and no provision for his support in case of her death. Under such circumstances, a conservator might be appointed. [3] *Ibid.*

district with the intention of remaining. His conservator later gave him permission to stay awhile and paid the person with whom he lived for food and clothing. He remained until his death and was admitted as a voter. This gave him a domicile in the new town, and the court of that district had the jurisdiction for the settlement of his estate, though the court in the other district, which appointed the conservator, had admitted the will to probate there.[1] For domicile in the technical sense is the actual or constructive presence of a person in a given place, coupled with the intention to remain there indefinitely.[2]

An administrator's bond given by a conservator is void, being insensible and uncertain.[3] The statute which requires that all probate bonds "shall be conditioned for the faithful discharge, by the principal in the bond, of the duties of his trust according to law," must be strictly complied with and permits no variation in the language of the condition.[4]

The disability of a person under a conservator does not follow him to another state where a Connecticut statute cannot operate. A contract made there is valid there and hence is equally so in Connecticut, though the party with whom the contract was made knew that the other party was under a conservator.[5] A ward may bring suit to set aside a conveyance alleged to have been obtained by fraud or undue influence, and the conservator is not a necessary party to the action, even if the ward brings the suit "with the advice and consent of his conservator."[6]

[1] 1880, Culver's Appeal, 48 *Conn.*, 165.

[2] 1890, Yale *v.* West Middle School District, 59 *Conn.*, 489.

[3] 1881, *ante*, 49 *Conn.*, 83.

[4] 1894, Security Co. *v.* Pratt *et al.*, 65 *Conn.*, 161.

[5] 1881, Gates *v.* Bingham, 49 *Conn.*, 275. The case was a suit for rent for a tenement in Massachusetts due from the ward who had become a citizen there.

[6] 1895, Looby *v.* Redmond *et Ux.*, 66 *Conn.*, 444.

In many respects a conservator is only the agent of the court, the custody of the ward and the management of his estate being entrusted primarily to the court itself. The court may authorize a conservator to settle and adjust disputed or doubtful claims, and sanction in advance the proposed terms and conditions of the settlement, if it finds them reasonable and just.[1]

While a probate judge has no authority to direct that money in the hands of a third party, due to a ward, be paid to his conservator to satisfy a balance due to the latter, yet when a claim is made by the representative of a deceased ward against such third party, the payment under such order would be a good accounting for that much of the money in his hands, provided the amount was really due the conservator from the estate.[2] A conservator is not liable for debts incurred by his ward before his appointment, these remaining charges against the ward alone. A conservator acts independently of his ward, is alone the responsible party, and cannot bind by his contracts his ward or the latter's estate.[3] Thus, the estate of a deceased ward is not liable for a claim based upon a false representation by his conservator that he would set aside a specified sum as payment for extra services, which were in fact rendered, were necessary, and reasonably worth the sum falsely promised.[4]

While not expressly conferred by statute, the court holds that a conservator has authority to lease the estate of his ward for a reasonable time and may recover possession on the expiration of his term in his own name as conservator.[5]

[1] 1899, Johnson's Appeal, 71 *Conn.*, 590.

[2] 1885, Brown *v.* Eggleston, 53 *Conn.*, 110.

[3] *Ibid.* [4] 1899, Merwin *et al.* Appeal, 72 *Conn.*, 167.

[5] 1887, Palmer *v.* Cheseboro, 55 *Conn.*, 114.

The general rule of equity which warns a trustee not to sell without sufficient reason a trust fund received by him and properly secured, applies with peculiar force to a conservator. If he makes a change without an order of the court, he assumes, in an action on his bond, the burden of proving a reasonable cause for the change; and failing such proof, he may properly be held liable irrespective of his good faith in the transaction. The rule for damages where the ward rejected the unauthorized investment is the value of the securities at the time of the unlawful sale, plus the amount of the dividends they would have produced, and less the interest on the rejected investment received and used for the ward.[1] Interest will not be compounded when the conservator acted in good faith. An investment in notes secured by mortgage on land in another state and guaranteed by a corporation is not one recognized by statute or common law. To justify such action the conservator must prove due diligence as well as good faith. It is not due diligence to make such investment without personal knowledge and on the statement of the broker offering to sell.[2]

8. OVERSEERS

No changes have been made since 1875 in the laws regarding the appointment and duties of overseers, perhaps because overseers are rarely, if ever, appointed at the present time. The law reads:

If the selectmen of any town shall find any person likely to spend and waste his estate and to become chargeable to the town, they shall appoint some person to be his overseer, to

[1] Had there been any present value to the investment, this would also in all probability have been deducted.

[2] 1896, State *v.* Washburn *et al.*, 67 *Conn.*, 187.

advise and order him in the management of his business; which appointment shall be under their hands, specifying the cause, and the time, not exceeding three years, for which the appointment is made, and shall be set upon the sign-post in said town, and a copy thereof shall be lodged with the town clerk of the town.[1]

At least five days' written notice of the time and place of the proposed appointment must be given the person. If an attested copy of the notice is lodged with the town clerk, no contract or conveyance made between the serving of the notice and the day fixed for the hearing is valid without their approval.[2] The selectmen may remove an overseer for neglect of duty or mismanagement and appoint another. "No person under the appointment of an overseer shall be capable of making a contract without his consent."[3]

The duty of an overseer is to

superintend the management of the estate and concerns of such person; restrain him from improvident contracts, and from wasting his estate; and assent to all contracts and dispositions of his property necessary for a proper management of the concerns and support of such person or his family.

In case of reform, the selectmen may revoke the appointment.[4]

If a person under an overseer removes to another town, the appointment continues and the selectmen may reappoint the overseer or appoint another in the same manner as the original appointment was made; but if he gains a settlement elsewhere, no reappointment may be made.[5]

A person for whom an overseer has been appointed may

[1] From 1750. *Vid.* p. 78. [2] From 1869, c. 63. *Vid.* p. 196.
[3] § 1833. [4] § 1834. [5] § 1835; from 1847, c. 35. *Vid.* p. 196.

apply to a judge of the superior court for his removal. The judge then cites the town to appear and show cause why the application should not be granted. At least six days' notice must be given. At the hearing the judge may remove the overseer and costs may be taxed in favor of or against either or neither party.[1]

If a person refuses to obey his overseer, the selectmen may have a conservator appointed for him by the probate court in the manner already described.[2]

9. SUPPORT OF WIDOWS

The estate of a man dying without issue, leaving a widow, is still liable for her support during her widowhood if she becomes poor and there are no persons of sufficient ability to support her under the law for the support of relatives. Every legatee is liable to an amount equal to the estate received by him. If he does not furnish this and the responsible relatives cannot support her, the widow herself, the selectmen where she resides, any relative or other legatee may bring complaint against him, and on the hearing the superior court may act as in the case of relatives.[3]

Any such legatee may at any time thereafter complain to the court to be relieved from his contribution. If the court finds that he "is required to contribute beyond the amount received by him from the estate of such widow's deceased husband, or beyond what is requisite for her support, it may again direct how much, if anything, he shall contribute therefor." Any deficit in the amount necessary for the widow's support must be made good by the town.[4]

[1] § 1836; from 1869, c. 63. *Vid.* p. 197.

[2] From *idem*, *cf. ante*, p. 289 *et seq.*

[3] § 2500. *Cf. ante*, p. 285. Obligation dates from 1769. *Vid.* p. 79.

[4] § 2501. *Cf.* 1873, c. 20. *Vid.*, p. 181. Before *Rev. 1902*, this applied only to relief of relatives.

10. INTEMPERANCE

The laws directed against intemperance as a cause of pauperism have received a few changes and additions.

By an act of 1887,[1] selectmen are required, at least as often as every six months, to prepare a list of persons known to use spirituous and intoxicating liquors to whom town aid has been furnished within the previous six months, and lodge a copy with each licensed liquor dealer, forbidding the delivery of any liquor, including cider, to such persons or to the members of their legal families, except upon a physician's prescription endorsed by a selectman.[2] This is never done in Hartford and probably the same might be said of the other towns.

By an earlier statute,[3] upon complaint to a selectman by any person that his or her father, mother, husband, wife, child, or ward is addicted to the excessive use of liquor, and the written request that the licensed dealers be notified not to deliver any liquor to such party, the selectmen must, on being satisfied that the complaint is true, give the written notice requested and forbid the delivery to such person of any liquor. Record must be kept of notifications to be used as evidence. Such a notice remains in force[4] as long as the dealer is annually licensed, though the selectmen may revoke the notice after one year.[5] A husband or wife may still personally notify liquor dealers not to sell liquor to the wife or husband.[6]

Any direct or indirect delivery of liquor to persons about whom such notices have been received, to a minor, to one

[1] C. 68. [2] § 2693.

[3] 1882, c. 107, part vi, § 3; *cf.* 1872, c. 99, §§ 5, 6; 1874, c. 115, §§ 12, 13; and (*Rev.*) 1875, 269, § 8. *Vid.* p. 199.

[4] 1889, c. 136. [5] § 2695.

[6] § 2696; *cf.* 1872, c. 99, § 6.

known to be an habitual drunkard, or to an intoxicated person,[1] is punishable with a fine of not less than $10 or more than $200. For a subsequent offense the same penalty may be imposed, or the offender be imprisoned for not less than ten days or more than six months, or be both fined and imprisoned.[2] The same penalties are imposed for allowing a minor or any person included in a selectman's notice to loiter [3] around premises where liquors are sold, for carrying liquor to his abode, or delivering liquor to another for his use, except upon the written order of a practicing physician.[4]

At the session of 1875 a curious law [5] was passed which still remains on the statute books. If a woman after marrying a man who sells liquors within their house becomes intemperate, it is the duty of her husband upon her request to provide separate maintenance for her according to his financial ability. The superior court inquires into the case upon her request, orders and enforces its decree, and may direct the giving of proper security.[6] Probably few women would ever avail themselves of such a law, which has the appearance of an act passed to meet some special case.

The institutional treatment of those addicted to the intemperate use of narcotics and stimulants has continued. A charter granted in 1881 [7] for a hospital for the treatment of intemperate women was repealed four years later.[8] The Darien Home was incorporated in 1895.[9]

The statutes regarding commitments to such institutions remain substantially as in 1875.[10] An habitual drunkard,

[1] From 1882, c. 107, part vi, § 4.

[2] §§ 2694. 2696, 2712; from 1895, c. 331, § 1.

[3] 1897, c. 150; though this act did not forbid loitering by minors.

[4] §§ 2696, 2697, 2705. [5] C. 87. [6] § 4550.

[7] *S. A.*, p. 17. [8] *S. A.*, 1885, p. 163.

[9] *S. A.*, p. 561. [10] From 1874, c. 113. *Vid.* p. 200.

dipsomaniac, or any person who has lost the power of self-control through the use of narcotics or stimulants, may be committed to a Connecticut inebriate asylum by the probate court of the district in which he resides or is domiciled. The court acts upon the complaint of the selectmen of the town of residence or domicile or of any relative, after giving reasonable notice, and finding upon due inquiry that the facts alleged are true. The term of commitment for dipsomaniacs is three years and for others not less than four or more than twelve months. No commitment may be made "without the certificate, under oath, of at least two respectable practicing physicians, given after a personal examination, made within one week before the time" of the application or commitment, that the person needs special care under this chapter. Since 1886 [1] the court has had authority, instead of committing to an institution, to commit "to the care, custody, and control of some suitable individual." [2] Asylums may also receive voluntary patients, retain them one year, and treat and restrain them in the same manner as if committed by a court.[3] After one year the managers of an asylum may release on probation one committed as a dipsomaniac "for such time and under such conditions as they shall judge best." [4] By an act of 1879,[5] sheriffs, constables, and city police officers are required to assist the authorities of asylums "in the exercise of the powers and discharge of the duties vested by law" in them.[6] The managers of inebriate asylums may discharge those placed in their care pursuant to their regulations.[7] The estate of a person cared for in an asylum is liable for his support therein, and the expense of all proceedings in such a case is "paid in the manner and by and to the person

[1] C. 2. [2] § 2744. [3] § 2746. [4] § 2745.
[5] C. 48. [6] § 2747. [7] § 2748.

that the court or judge before whom the case" is heard orders.[1] The methods for the release of those unjustly confined are the same as in the case of the insane, and will be given in that connection.

II. BASTARDY

The laws regarding bastardy remain substantially the same as in 1875, though some new provisions have been added and one ancient requirement repealed.

A person guilty of fornication is liable to a fine of not more than $7, or imprisonment for not more than 30 days, or both.[2] The penalty for seducing a minor female or enticing her away for that purpose or for the purpose of concubinage, is imprisonment for not more than five years and a fine of not more than $1,000.[3] Since 1887 [4] a man who deserts his wife and cohabits with another woman has been liable to imprisonment for not over three years.[5]

The penalty for using a drug or instrument to prevent conception is a fine of not less than $50, or imprisonment for not less than 60 days or more than one year, or both.[6] For an attempt to produce a miscarriage, unless it is necessary to preserve life, the woman herself is fined not more than $500, or imprisoned not more than two years, or both. One who advises or aids in such attempt is fined not more than $1,000, or confined in the state prison not more than five years, or both. A fine of not more than $500 is prescribed for encouraging such offenses or for selling or advertising medicines for this purpose.[7]

[1] § 2749. [2] § 1315. From 1650, with different penalty. *Cf.* p. 38.
[3] § 1310; 1847, c. 27, 1897, c. 200. *Vid.* p. 203. [4] C. 17.
[5] § 1314. [6] § 1327; 1879, c. 78.
[7] §§ 1155–1157; from 1830, c. 1, § 16; 1860, c. 71. *Vid.* pp. 128, 203.

A woman who conceals her pregnancy and is willingly delivered by herself in secret of a bastard child, is fined not more than $150 or imprisoned not more than three months.[1] A woman who endeavors to conceal the birth of any such child, is liable to be fined not more than $300, to be imprisoned in a jail not more than a year, and to become bound to the state in recognizance, with surety, for her good behavior.[2]

"Any woman pregnant with, or who has been delivered of, a bastard child, may complain on oath to a justice of the peace in the town where she dwells, against the person she charges with being the father of such child." The justice thereupon issues his warrant and causes the man to be brought before him or other proper authority. If probable cause is found, the court orders the person to become bound to the complainant, with surety, to appear before the next session of the district court of Waterbury, if within six specified towns,[3] or before the next court of common pleas in the county,[4] or, if there is no such court, before the superior court, and abide the order of the court. If he fails to do this, he is committed to jail. If probable cause is not found, the finding is final[5] and operates as a bar to a second proceeding for the same cause of action.[6] The court may order the continuance of the cause and the re-

[1] § 1321; from 1808. *Vid.* p. 128.

[2] § 1322. This is really the old law (1699) concerning the concealing of the death of bastards. The change of 1875, still retained, gives two penalties for nearly the same offense. *Vid.* pp. 40, 204.

[3] 1881, c. 121, § 3. Waterbury, Middlebury, Naugatuck, Prospect, Southbury, Wolcott.

[4] There are courts of common pleas in the counties of Hartford, New Haven, New London, Fairfield, and Litchfield, *Vid.* p. 202. That of Litchfield county took the place of the former district court by an act of 1883 (c. 110).

[5] 1899, c. 105. [6] § 969.

newal of the bond, if necessary. If the complainant continues "constant in her accusation," it is "evidence that such accused person is the father of such child." [1]

If the court finds him guilty, it orders him "to stand charged with the maintenance of such child, with the assistance of the mother, and to pay a certain sum weekly, for such time as the court shall judge proper," and the clerk issues execution for the same quarterly. The court also ascertains "the expense of lying-in, and of nursing the child, till the time of rendering judgment," orders him to pay half thereof to the complainant, granting execution for this and costs of suit. It may also require him to become bound with surety to perform such order and to indemnify the town responsible for the child for any expense of maintenance. If he fails to do this, he may be committed to jail until he complies. If the mother does not use the allowance for the child and it has or may become chargeable, the court on application may order the allowance paid to the selectmen.[2]

No complaint may be withdrawn, dismissed, or settled by agreement between "the mother and the putative father . . . , without the consent of the selectmen of the town in which said mother has her settlement or residence, or the consent of her parent or guardian, unless provision is

[1] § 970. Since 1702 a *prima facie* case had been made if the mother had been constant in her accusation, if she had been put to the discovery in the time of her travail, and was examined on oath at the trial. *Vid.* p. 39. The revision of 1902 contented itself with this simpler provision. One reason for the change was the belief that the old provision led to injustice. It called, not only for the testimony of the mother, which had great weight with a jury, but also for a mass of hearsay evidence to substantiate the constancy of her accusation, in time of travail, and before and after that.

[2] § 971. These provisions are based upon acts of 1673 and 1702. *Vid.* p. 38.

made to the satisfaction of the court to relieve such parent, guardian, or town from all expense that has accrued, or may accrue, for the maintenance of such child and for the cost of complaint and prosecution thereof." No settlement made without the approval of the selectmen of the town liable for the child, either before or after the complaint is made, relieves the father from liability to the town for the child's support.[1]

Unless sufficient security has been offered to indemnify the town for all expense, the town may itself institute a suit, if the mother fails to act, or may take up and pursue a suit commenced by the mother but not prosecuted to final judgment. A bond given by the defendant to the complainant has the same effect as if given to the town. If the defendant is found guilty, the court may merely order him to "give a bond, with sufficient surety, to such town, to indemnify it against all expense for the maintenance of such child, and pay the costs of prosecution." Failure to do this results in committal to jail.[2] Selectmen may compromise a suit "on receipt of a fixed sum, or of security for the payment thereof for the benefit of the town." [3]

"Evidence of the good character of the accused for morality and decency, prior to the alleged commission of the offense," is "admissible in his favor in bastardy proceedings, and may be rebutted by evidence showing a contrary character at such time."[4] "The trial of the question of fact as to the guilt or innocence of the defendant" must, "at the desire of either party, be by jury." [5]

No complaint of bastardy may be brought after three years from the birth of the bastard. As in other cases,

[1] §§ 972, 973; 1887, c. 98, §§ 1, 2. [2] § 974; from 1784. *Vid.* p. 81.
[3] § 975; from 1887, c. 98, § 3. [4] § 978; 1897, c. 16.
[5] § 979; 1875, c. 97, § 2, par. 6. *Cf.* pp. 128, 202, note 5.

the time during which the defendant is without the state is excluded from the computation.[1]

No person committed to jail under bastardy proceedings is allowed the privileges accorded other prisoners on civil process, or may take the poor debtor's oath until six months after commitment, during which period he is kept at hard labor. At any time after his liberation or his taking the oath, the mother or town may recover any sums due under the order of the court. The complainant is not required to pay or to give security for the support of the defendant while confined, as in other commitments on civil process,[2] and he may not be discharged because of the lack of such payment or security. The jailer is required to support him and may recover the cost of support from him; or, if he cannot pay, from the town of settlement; or, if he belongs to no town, from the state.[3]

Bastards whose parents later intermarry and recognize them as their own become legitimate.[4]

DECISIONS

There are a number of recent decisions bearing upon the bastardy law.

The jurisdiction of a justice of the peace is limited to binding over to a higher court, if probable cause is found, and the higher court can acquire jurisdiction in no other way. It may hear and decide the case in the absence of the defendant.[5]

If a justice of the peace decides adversely upon a plea in abatement filed before him, there is no appeal therefrom,

[1] §§ 1116, 1125; from 1821. *Vid.* p. 128. [2] *Cf.* § 2948.
[3] §§ 976, 977; 1887, c. 98, §§ 4, 5. [4] § 396; 1876, c. 14.
[5] 1885, Naugatuck *v.* Smith, 53 *Conn.*, 523.

though in practice the defendant is allowed to renew his objection in the higher court.[1] Chapter 187 of the acts of 1899, which limits the time within which a case may be placed on the jury docket, applies to bastardy proceedings as well as to other civil actions.[2]

The presumption is that a man will not commit a heinous or criminal offense or one that will subject him to severe penalty.[3]

If a justice does not commit to jail for a failure to give a bond on a binding over for appearance before the court, this does not invalidate the binding over, the bond being only for the security of the complainant.[4] If a person has given recognizance with surety to appear before the court and abide its order, and is present in the court when the judge orders a bond to be given for his binding over to a later date, but refuses to give the bond, the judge cannot declare the recognizance forfeited, but can only commit to jail.[5]

Before the revision of 1902 omitted the requirements for a *prima facie* case, to make such a case under the statute, it was necessary to aver that the complainant had been put to the discovery in the time of her travail and been constant in her accusations since; but if this was not done, she did not lay herself open to a judgment of non-suit, under the statute requiring that judgment when a *prima facie* case is not made out; she might testify to these facts in her own

[1] 1885, Naugatuck *v.* Smith, 53 *Conn.*, 523.

[2] 1900, Camp *v.* Carroll, 73 *Conn.*, 247. This law (1902, § 720) prescribes that cases must be entered within thirty days after the return day. If an issue of fact is joined after this period, the case may be entered within ten days after such joining.

[3] 1891, Fay *v.* Reynolds, 60 *Conn.*, 217.

[4] 1885, *ante*, 53 *Conn.*, 523.

[5] 1883, Naugatuck *v.* Bennett, 51 *Conn.*, 497.

behalf and rely upon preponderating evidence. In such a case evidence that these facts were true might be introduced in corroboration of her testimony as complainant, as might declarations made by her to her mother before the child was born.[1] This held also of declarations to her mother as to the time, place, and conditions when the child was begotten.[2]

Evidence of improper relations before the act which was claimed to have resulted in the pregnancy is admissible, as showing a habit and the probability of its renewal on opportunity. Evidence that the woman's consent to such relations was given only on a promise of marriage is not admissible.[3] Evidence that the complainant stated before and after the birth that the defendant was the father is admissible, independent of any discovery in travail, but not everything said or done on those occasions.[4] If the complainant testifies that after she was pregnant the defendant paid her a small sum of money, the presumption being that it was in recognition of his peculiar relations to her, he may show that his wife asked him to pay the money to satisfy a debt she owed the woman.[5]

While the defendant may prove that a third party was the father, he cannot offer declarations by the latter to this effect, though made at so early a date that his knowledge of the complainant's condition would tend to prove his guilt.[6]

It is proper for the judge to refuse to charge that as there was no claim regarding the birth as being premature or regarding improper relations from the thirteenth to the

[1] 1876, Booth *v.* Hart, 43 *Conn.*, 480; 1879, Robbins *v.* Smith, 47 *Conn.*, 182.

[2] 1890, Benton *v.* Starr, 58 *Conn.*, 285.

[3] 1896, Harty *v.* Malloy, 67 *Conn.*, 339.

[4] *Ibid.* [5] 1890, *ante*, 58 Conn., 285. [6] *Ibid.*

eighth month previous, the jury should find for the defendant. This is a question of fact.[1]

The complainant in a bastardy suit has the rights of a party in a civil action, her interest being pecuniary. In the absence of statutory restriction, she may compromise and forbear a suit. She may enforce in a court of equity against the father, or against his solvent estate, a contract made with him, in which he agreed to convey to her certain property if she would not compel him to help support the child. Such a contract is founded upon a legal, valuable consideration and is therefore valid.[2] A bond executed by a father in lieu of a bastardy suit was pronounced legal, in which the father declared that the child should not become chargeable to the town within the time the father would be liable to support it, that he would pay an amount not to exceed the legal liability of a father, and that he should be given a week's notice by the town before legal steps were taken for the support of the child or its mother. A suit on such a bond might be brought without notice.[3]

The burial expenses for a child may not be included in the expense of lying-in and nursing, for half of which the father is liable, but under certain circumstances an allowance to third parties who assisted in nursing the plaintiff may be.[4]

A bastard who has become legitimate through the intermarriage of his parents, is legitimatized for all purposes and not merely for those of inheritance.[5] In fact, bastards may share in the distribution of estates as "children" or

[1] 1896, *ante*, 67 *Conn.*, 339.

[2] 1896, Van Epps *v.* Redfield *et al.*, 68 *Conn.*, 39.

[3] 1887, Hamden *v.* Merwin, 54 *Conn.*, 418.

[4] 1896, *ante*, 67 *Conn.*, 339.

[5] 1897, Simsbury *v.* East Granby *et al.*, 69 *Conn.*, 302.

"next of kin" and their children may inherit through them lineally and collaterally.[1]

A civil suit was brought for damages for two assaults, as a result of which the plaintiff had a bastard child which subsequently died. The suit was not brought under the bastardy law. The rule of the presumption of innocence does not hold in such an action. There is a natural inference of innocence, because in general men obey the law, but the judge need not call the jury's attention to this. Unless it is proved by preponderating evidence that the defendant was present at the time and place alleged, his *alibi* is a perfectly good defense. If wilful and malicious misconduct is proved, it is a clear case for exemplary and vindictive damages.[2]

In a case charging the defendant with felonious assault upon the body of L., when a miscarriage was not necessary to preserve life, the court held that the testimony of the woman need not be regarded as untrustworthy because she was an accomplice. "It is the character and interest of the witness as shown upon the trial, and not merely his participation in the crime charged, that must determine the discretion of the judge in commenting on his credibility." It was within the discretion of the judge to charge that the woman was not strictly an accomplice, though guilty of a distinct offense, which might be considered as affecting her credibility. The defendant did not personally perform the operation and the judge did right in calling the jury's attention to the statute (section 1583) for the punishment of an accessory as the principal. It was proper to exclude evidence that the woman had previously attempted to have a miscarriage produced, and also the record of a city court

[1] 1875, Dickinson's Appeal, 42 *Conn.*, 491.

[2] 1901, List *v.* Miner, 74 *Conn.*, 50.

which showed the defendant's acquittal on the charge of seduction, though this record might be admitted to fix a date. It was proper to admit, for the purpose of showing the relations of the parties, testimony as to criminal acts immediately subsequent to the first offense charged, which were the cause of the subsequent offenses.[1]

12. PROHIBITED MARRIAGES

A new preventive measure was enacted in 1895.[2] It prescribes imprisonment of not more than three years for any man or woman, either of whom is epileptic, imbecile, or feeble-minded, who intermarry or live together as husband and wife when the woman is less than forty-five; provided[3] they were not married before July 31, 1895. Any one who knowingly aids in securing such a marriage is fined not more than $1,000, or imprisoned not more than five years, or both.[4] Imprisonment of not more than three years is the penalty also for a man who has relations with a woman under forty-five who is epileptic, imbecile, feeble-minded, or a pauper; for an epileptic man who has relations with any woman under forty-five; and for a woman under that age who willingly consents to such relations with a man who is epileptic, imbecile, or feeble-minded.[5] Incidents related in chapter four explain why such a law was passed. The principle of the law, to prevent the propagation of the unfit, is eminently wise, whether its strict enforcement is yet possible or not.

[1] 1904, State *v.* Casey, 76 *Conn.*, 342. [2] C. 325. [3] 1895, c. 350.

[4] §§ 1354, 1355. In the act of 1895, selectmen were mentioned as those likely to offend thus.

[5] § 1356.

III. Methods of Relief

1. Relief by Towns and State

Comparatively few changes have been made since 1875 in methods of poor relief, though there has been a marked improvement in administration.

The obligation of towns for those with settlements therein is clear. The statute declares:

> All persons who have not estate sufficient for their support, and have no relations of sufficient ability who are obliged by law to support them, shall be provided for and supported at the expense of the town where they belong; and every town shall maintain and support all the poor inhabitants belonging to it, whether residing in it, or in any other town in the state.[1]

Paupers may

> be removed to such places as the selectmen may lawfully designate, to be supported as the town or selectmen may direct, and . . . be subject to the orders of the selectmen.[2]

In 1875 there were almost no restrictions as to the methods of poor relief. Towns might support their poor in their own homes, in almshouses, or through contractors who cared for all the poor, either for a lump sum or for so much *per capita*. They might also have their paupers supported elsewhere, though they might not maintain an almshouse in another town without its consent.

A restriction imposed in 1878[3] made it unlawful for selectmen to remove paupers from the town where they be-

[1] § 2476; from 1673. *Vid.* p. 41.
[2] § 2484; from 1821. *Vid.* p. 134.
[3] C. 94, § 10.

longed to be supported in another town. In 1879 [1] the prohibition of the removal of paupers was restricted to adults and these might be removed with their written assent. An act of 1881 [2] struck out the word "written." In 1883 [3] these modifications of the act of 1878 were repealed. The only removal from the town of settlement now permitted is to an adjoining town, to be supported "in an almshouse or other place or places provided by such towns within the limits of either." [4]

The statute of 1879 [5] just cited placed the first limit upon the contract system. It required that in any valid contract for the care of town poor, the selectmen should see that the contract called for such support as would "insure good and sufficient food, clothing, comfortable lodgings, and suitable care and medical attendance in sickness"; that the money expended should be used "faithfully and judiciously"; and that no contract should be made for a sum "less than that sufficient to insure the comfortable support of such paupers." The repeal of this law in 1883 [6] removed all restrictions upon the power of selectmen to make such contracts. In 1883 the state board of charities reported [7] that three-quarters of the towns farmed out their poor to the lowest bidder.

By 1886 [8] the enormities possible under such a system led to the drastic measure of forbidding all such contracts after January 1, 1887. After that date each town was to support all paupers "in an almshouse or other place or places provided" by it, though it might give temporary aid to those in need of partial support. This is still the law [9] and

[1] C. 55, § 2. [2] C. 144. [3] C. 124.
[4] §§ 2477, 2491; 1901, c. 131, § 1. [5] C. 55, § 1.
[6] C. 124. [7] *Rep Board of Charities*, 1883, p. 4.
[8] C. 143, §§ 1, 2. [9] § 2477.

while it removes the abuses of the contract system, it definitely opens the door to the extravagances of outdoor relief. In accordance with the same law,[1] each town is required to "provide medical treatment by one or more competent physicians" for all the sick among their poor inhabitants, but is forbidden to secure such treatment "by contract by auction to the lowest bidder." [2] Towns may establish one or more almshouses for their poor and may adopt by-laws for their management, subject to repeal by the superior court. Since 1901 [3] adjoining towns may establish union almshouses for paupers.[4]

The selectmen of towns are overseers of the poor and, "at the expense of the town, provide all articles necessary for the subsistence of all paupers belonging to it." [5] In cities the duties of the selectmen regarding paupers are ordinarily entrusted to a board of charity commissioners, as provided in the city charter. As already explained, a town is responsible for a former inhabitant who, after losing his settlement there by gaining one in another state, returns to Connecticut and comes to want.[6] An individual has no

claim against a town, for supplies or assistance furnished to a pauper, against the express directions of the selectmen, nor before he has given notice of the condition of such pauper to one of the selectmen of the town where the pauper resides.[7]

A notice to the town of settlement is not sufficient.

[1] 1886, c. 143, § 3. [2] § 2478. [3] C. 131.

[4] §§ 2477, 2490; from 1813, May, c. 13. *Vid.* p. 134. Union almshouses had been abolished by 1878, c. 94, § 11.

[5] § 2480; from 1821: selectmen had this duty in 1702. *Vid.* pp. 42, 135.

[6] § 2489; from 1821. *Vid.* p. 102.

[7] § 2484; from 1821. Earlier provisions differed. *Vid.* p. 136.

If a person comes to want in a town where he has no settlement, it is the duty of the selectmen to "furnish him with necessary support" as soon as his condition comes to their knowledge. Each one who neglects this duty forfeits $7 to him who sues for it.[1] When one thus becomes chargeable, the selectmen are required to "give notice of his condition to the town to which each pauper belongs, when it is within twenty miles . . . , within five days after they . . . know to what town he belongs, and when it is more distant, within fifteen days thereafter; and a letter deposited in the post office, postage paid, stating the name of the pauper, and that he is chargeable, signed by a selectman of the town where he resides, directed to the selectmen of the town where he belongs," is "sufficient evidence that notice was given at the time that such letter would, in the usual course of the mail, reach" its destination. Actual written notice sent in any other way is also sufficient. When selectmen know the town to which the pauper belongs, that town is not liable for any expense while there is neglect to give the notice;[2] and it is never liable to pay more than $3 a week for all over fourteen years of age, $2 for all between six and fourteen, and $1.50 for all under six;[3] except that for sick paupers cared for in a public hospital the limit is $5 a week.[4] If such a pauper dies, the selectmen are required to give him a decent burial, for which the town of settlement pays not more than $15.[5] "Every town incurring any necessary expense . . . for a pauper belonging to another town, may recover it from such town."[6]

[1] From 1818, May, c. 4. *Vid.* p. 135. [2] From 1821. *Vid.* p. 136.
[3] § 2485. These limits are from 1869, c. 25. *Vid.* p. 207.
[4] 1903, c. 40.
[5] § 2486; from 1828, c. 25, and 1875, c. 25. *Vid.* p. 137.
[6] § 2487; from 1789 (*A. and L.*, 386, par. 1). *Cf.* p. 137.

Such paupers may be removed to the town of settlement by either town concerned, in the manner already described.

The law regarding those without settlements in Connecticut is somewhat involved. All such persons, if they need relief, are provided for by the comptroller "for the period of six months next after they come into this state, and no longer." [1] All unsettled indigent persons without relatives in Connecticut who may be compelled by law to support them, if they need relief within six months after they are discharged from prison, jail, or workhouse, together with children born while they were serving their sentences,[2] are likewise supported by the comptroller for six months.[3]

While towns are not permitted to contract for the support of their poor, the comptroller may contract for not more than five years for the support of state paupers.[4] He is required to take "a sufficient bond, with surety, conditioned for the faithful performance of such contract, and that such paupers should be treated with humanity, and shall have a sufficient supply of food, and decent and comfortable clothing, and all necessary medical aid and attendance." The rate of compensation may not exceed the limit set for the reimbursement of towns by one another. The amount due under the contract is payable every six months. "The comptroller may remove any state pauper from any town, and place him with such contractor, adjust any demands arising under said contract, and draw orders on the state treasurer for the payment thereof." [5]

[1] Meaning made unmistakable by 1885, c. 71, after 50 *Conn.*, 554. *Cf. post.* From old three months' law of 1789. *Vid.* p. 100.

[2] From 1875, c. 93, §§ 3, 10. *Cf.* act of 1851 (c. 42) for those discharged from prison. *Vid.* p. 208.

[3] § 2493.

[4] This term now includes all for whom the state is liable.

[5] §§ 2497, 2498; from 1820, c. 34, §§ 1, 2. *Vid.* p. 139.

As will appear later, there has been much dissatisfaction with the treatment accorded these state paupers. While the legislature has not provided for the maintenance by the state of a state almshouse, an act was passed in 1903 authorizing the comptroller to "contract with any town for the support of state paupers for such time and on such terms as the comptroller may deem expedient and for the best interests of the state." [1] No action has yet been taken under this law. The comptroller still cares for a few paupers at Tariffville, though the contract has not been renewed, and a few are supported by the state in towns under the old law. Most of these latter are cases requiring temporary hospital treatment.

Towns are required, through the selectmen, to "furnish necessary support to all state paupers therein" and are reimbursed by the state therefor. As soon as selectmen ascertain that a pauper is a state pauper, one of them sends to the comptroller a statement giving, so far as known, the name of the pauper, the time he entered the state and the town, the place he came from, the expenses necessarily incurred in maintaining him, and the time when these began. This statement must be signed and sworn to by a selectman. Unless the pauper is removed by the comptroller, at the end of six months after the pauper's entrance into the state or discharge from confinement, one of the selectmen sends to the comptroller an account signed and sworn to by him, giving the whole disbursement by the town. If the comptroller is "satisfied that the statements are substantially true, and that the disbursements are reasonable," he reimburses the town. Otherwise, he may reject the claim. The town may then "present the same for further investigation to such committee as the general assembly may ap-

[1] 1903, c. 80.

point therefor." If their decision is in favor of the town, the comptroller must then pay the account,[1] together[2] with the cost of travel and attendance of necessary witnesses and not more than $25 for counsel fees.[3] Since 1884[4] there has been no statutory limit to the amount that may be expended by towns for state paupers.

After the expiration of six months, a state pauper is sent back to the town where he resided when he applied for relief or was committed; and that town becomes chargeable with his support and with that of any child born during the confinement of the pauper, until he gains a settlement in some other town, "*provided* such pauper shall have before his application for relief or commitment ever resided six months continually" in such town; but if he "shall not have had such residence in said town . . . , and shall have had such residence in any other town . . . , the town in which he has last had such residence six months or more" is chargeable with his support.[5] This provision is absurd for those supported by the state during the first six months of their residence in Connecticut. How could they have resided in a Connecticut town for six months before they applied for relief, when the relief was given during their first six months in the state? Before 1903 this difficulty was avoided and the support of the pauper was permanently provided for by a clause[6] declaring that if he had had no such residence in any town in Connecticut, the town where he resided when he applied for relief or was committed must support him. In other words, when the proviso was contrary to facts, the main provision held. This

[1] From 1821 and 1837. *Vid.* p. 140.
[2] 1878, c. 94, § 20.
[3] §§ 2494, 2495; 1875, c. 93, §§ 8, 9.
[4] C. 98.
[5] § 2496; 1878, c. 94, § 21, 1886, c. 114; *cf.* 1875, c. 93, § 10.
[6] 1878, c. 94, § 21; 1902, § 2496.

last clause was repealed in 1903[1] and there is now no permanent provision for the support of state paupers after the expiration of the six months' period, except for those who have been committed to prison, jail, or workhouse. Those belonging in other states may be removed and selectmen are required, by the general law,[2] to relieve all indigent residents. This liability, however, is merely temporary, dependent on residence, while that under the repealed clause was permanent, until a settlement was gained. It practically settled the pauper in the town where he first came to want. This town is always known, because it is required to notify the comptroller when it begins to aid a state pauper. It was to prevent settling such persons that the law was changed. The state also reimburses a town for its expenses, not exceeding $15, for the burial by the town of a state pauper.[3]

It will be noted that the laws regarding state paupers have been somewhat changed since 1875. The "state paupers" and the "foreign paupers" of the revision of 1875 have been brought under the same provisions. The liability of the state has been increased in some directions, decreased in others, and made clearer in all.

DECISIONS

It will be recalled that most of the decisions from 1838 to 1875 regarding the degree of need that constitutes an individual a pauper were liberal but that the last decision was not. The later decisions have all been liberal. Thus, it has been declared that a family must be helped though they own some furniture and garden vegetables, if the jury considers the husband unable to provide necessaries for them;[4]

[1] C. 124. [2] § 2485. [3] § 2486; 1878, c. 94, § 12.
[4] 1883, Bethlehem *v.* Watertown, 51 *Conn.*, 490.

though they possess a life interest in a farm, worth nearly $200, which has not been expended and the proceeds used;[1] and though the poverty is caused by the bad habits of the father, which prevent his earning more than partial support.[2] Nor is a woman in feeble health, with three young children to maintain, debarred from receiving aid from a town merely because she has $10 a month at her command for the support of herself and her children.[3]

In the case of Beaver Falls *v.* Seymour,[4] the court stated, though in a dictum, that

> in many cases persons "poor and unable to support themselves" are supported wholly by charity. Suppose some benevolent person should take all the paupers from the alms-house of some town, by consent of the town, and support them for a year. The paupers would be none the less paupers during the year. Their condition would be the same whether supported by the town or by this private charity; and during the year the town would be relieved from responsibility in regard to them.

If persons are in need in a town, it makes no difference whether they are there voluntarily or with or without the consent of the husband and father.[5] In a suit regarding aid given a pauper, the registry lists of the town may be used to prove his domicile.[6]

Regarding state paupers, the court in 1883 recognized the absurdity of the section regarding the six months' period and decided that the six months intended were the first six

[1] 1884, Fish *v.* Perkins, 52 *Conn.*, 200; 1899, Harrison *v.* Gilbert *et al.*, 71 *Conn.*, 724.

[2] 1884, New Hartford *v.* Canaan, 52 *Conn.*, 158.

[3] 1903, Old Saybrook *v.* Milford, 76 *Conn.*, 152.

[4] 1876, 44 *Conn.*, 210. [5] 1883, *ante*, 51 *Conn.*, 490.

[6] 1896, Enfield *v.* Ellington, 67 *Conn.*, 459.

after the pauperism began.[1] The liability for the support of a state pauper is determined by the laws in force when he first applies for relief.[2] The liability of a town to aid a pauper residing there who has no settlement in Connecticut, is not affected by the fact that he was brought into the town from just across the border some years before without any thought of changing his residence thereby, or that the town of former residence aided him for a few months after he moved outside its limits.[3] A single selectman, on receiving notice that a stranger is in need, is required to furnish aid at once without waiting to consult his colleagues; he may ask an individual to give the necessary support and bind the town to pay for it.[4]

If a town through an innocent mistake as to material facts admits its liability for a pauper, it is not thereby estopped in a suit for reimbursement from showing that he does not in fact belong to it.[5]

If a town is called upon to reimburse a conservator for supplies furnished his ward after his estate was alleged to have been exhausted, it may introduce evidence to prove that the record of the settlement of his account was fraudulent and that the ward is not a pauper. The decree of the court in the settlement of the account does not bind the town, as it was not a party thereto.[6] If an order on the town treasurer is given in payment for supplies, it is equivalent to pay-

[1] Marlborough *v.* Chatham, 50 *Conn.*, 554. This resulted in the passage of 1885, c. 71, which made the contrary intention of the statute clear.

[2] 1890, Canton *v.* Burlington, 58 *Conn.*, 277.

[3] 1892, Canton *v.* Burlington, 61 *Conn.*, 589.

[4] 1877, Welton *v.* Wolcott, 45 *Conn.*, 329.

[5] 1882, Clinton *v.* Haddam, 50 *Conn.*, 84.

[6] 1895, Cook *v.* Morris, 66 *Conn.*, 137.

ment in money, and the town may bring the usual suit for reimbursement.[1]

An individual must notify a selectman of a case of need or there is no recovery for the aid furnished; but it is sufficient if the facts are stated to the members of the selectman's family in his absence and communicated to him on his return the same day.[2]

The notice from one town to another required by the statute must state clearly the name of the pauper and declare that he is residing in the town, is in need, and is being assisted. The omission of a middle initial does not invalidate such notice.[3] It is not sufficient to state merely that the persons are poor and unable to support themselves; they must be declared to be actually chargeable to the town.[4]

In the recent case of Old Saybrook *v.* Milford,[5] several important points were decided. The plaintiff town had given the required notice and then stated in a postscript that the husband of the pauper, who was a woman with three young children, had deserted her, was supposed to be in Milford, and should be arrested and made to support the family. Milford replied, denied its liability, but offered to do what it could to aid the plaintiff town, and stated that as the result of its efforts, the husband had been arrested and had agreed to pay $4 a week for six months. The receipt of the letter was acknowledged and the selectmen of the plaintiff town kept Milford informed as to the condition of the woman and her chil-

[1] 1883, *ante*, 51 *Conn.*, 490.

[2] 1875, Wile *v.* Southbury, 43 *Conn.*, 53.

[3] 1883, *ante*, 51 *Conn.*, 490; 1875, Hamden *v.* Bethany, 43 *Conn.*, 212; 1883, Windham *v.* Lebanon, 51 *Conn.*, 319.

[4] 1876, *ante*, 44 *Conn.*, 210; 1878, *idem*, 46 *Conn.*, 281.

[5] 1903, 76 *Conn.*, 152.

dren and what was being done for their support. The court decided that nothing in this correspondence limited the scope and effect of the original notice. One item in the plaintiff's bill was for $3.60 for clothing supplied to the family. The court held that even if it might be assumed that this was all for a baby a few weeks old, born since the notice was given, the case would merely call for the application of the legal maxim *de minibus non curat lex*. It is not necessary to show precisely what sum was expended for each member of a pauper family and prove that it did not exceed the statutory limitation. The family may be treated as a group of persons and be dealt with collectively. The court also raised two further questions, but did not decide them. It did not rule whether the weekly limit applies to each separate week or permits the amount not expended in one week to be applied to the over-expenditure in another week. Nor did it rule as to whether the limit of the amount a town can recover under section 2485 includes the medical treatment required under section 2478. It will be recalled that, by an act of 1903,[1] the limit for medical care in a hospital was made $5 a week, but the case arose before the passage of this law, and I am not sure that there had been any hospital treatment.

While the liability of one town to another for the support of its paupers is statutory and there is no recovery unless all the requirements are complied with, such as valid notice, this does not hold in a suit for money paid by the plaintiff town to the defendant for the support of paupers who were supposed by both to belong to the plaintiff, but were later ascertained to belong to the defendant.[2]

The statute declares that one town cannot recover from another town for support furnished a pauper if it neglects

[1] C. 40.

[2] 1898, Bristol *v.* New Britain, 71 *Conn.*, 201.

to notify the second town as soon as it knows of the latter's responsibility. This knowledge will be imputed as soon as the facts are ascertained which as a matter of law indicate such responsibility, even though the town misunderstands them. If there is any doubt, both towns possibly liable should be notified. Failure to give notice operates as a bar to recovery only of so much of the aid furnished as was given after the facts were known.[1]

To show the need of a pauper, a selectman testified that he had employed a physician and paid him for attendance but could not fix the date, which was important. It was proper to admit the entries in the account book of the physician, who had since become mentally incompetent, to corroborate this testimony and as evidence that the service was rendered, even though the physican was an inhabitant of the town interested. It was not necessary that the pauper know that the medical attendance and supplies were furnished at the expense of the town.[2]

In a suit by one town against another for reimbursement, a judgment against it in a former suit against a third town involving the settlement of the same paupers, is not evidence against it. Such a judgment is not a judgment *in rem* and does not determine the settlement as against any but the parties to the suit.[3]

2. STATE BOARD OF CHARITIES

It will be recalled that an act of 1873 [4] provided for a state board of charities. The first law was tentative and in 1884 [5] it was recast and, with slight changes, is still in force.

[1] 1903, Fairfield *v.* Newtown, 75 *Conn.*, 515.
[2] 1886, Bridgewater *v.* Roxbury, 54 *Conn.*, 213.
[3] 1879, Bethlehem *v.* Watertown, 47 *Conn.*, 237.
[4] C. 45. *Vid.*, p. 213. [5] C. 77.

The most important addition was that of a section authorizing the board to employ a paid secretary. The board still retains its comprehensive functions and acts as a board of charity, lunacy, and prisons.

The board consists of three men and two women, appointments being made biennially by the governor, with the advice and consent of the senate, for a term of four years beginning July 1.[1] Any vacancy may be filled during the unexpired portion of the term by the governor,[2] who also has power to remove any member for cause.[3]

The board is authorized to "inspect all almshouses, homes for neglected or dependent children, asylums, hospitals, and all institutions for the care or support of the dependent or criminal classes," and is required to "inspect all institutions in which persons are detained by compulsion, to ascertain whether their inmates are properly treated, and, except in cases of detention upon legal process, to ascertain whether any have been unjustly placed, or are improperly held, therein." It "may examine witnesses and send for persons and papers and correct any abuses found to exist, in such manner as not to conflict" with legal rights, "acting, so far as practicable, through the persons in charge . . . , and with a view to sustain and strengthen their rightful authority." No measure may be adopted without the consent of such persons except at a meeting of the board at which at least four members are present, or by a written order signed by a majority of the board. An appeal from any action of the board may be taken to the governor.[4]

The industrial schools and state insane asylum are visited as often as once in three months[5] by at least one member of

[1] Before 1887, c. 5, § 25, the term was three years and appointments were made annually.

[2] § 2857.

[3] § 2865; 1895, c. 311, § 3.

[4] § 2858.

[5] Once a month before 1895, c. 311, § 1.

either sex, without any previous notice. At every visit an opportunity must be given to each inmate for private conversation with a member of the board. Any inmate may personally deliver to a member and any member may receive from an inmate any communication without interference or inspection by the managers, who are also required to forward without delay, postage paid, without inspection, any communication from an inmate directed to the board or to any member. The inmates must be informed of their rights in this matter to the satisfaction of the board or any visiting member.[1]

In addition to this duty of inspection, the board is required to "collect information and statistics relating to pauperism and the administration and operation of the poor laws and state charities, and embody the same, with such suggestions as they may deem best, in an annual report," [2] for the year ending September 30, to be submitted to the governor.[3] To this end the selectmen as overseers of the poor are given the duty of keeping "full and accurate records of the paupers fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of their respective towns, together with the amount paid by them for such support and relief." The annual return of the number of such persons and the cost is to be made to the state board of charities [4] each September.[5] As no penalty is provided, it is difficult for the board to secure full statistics. No attention has yet been paid to the board's repeated suggestion that some method be devised of enforcing this law.

The board has an office in Hartford, where its records are kept. It is required to hold meetings at least once in

[1] § 2862. [2] § 2863. [3] § 183; 1895, c. 294, § 2.
[4] § 2492; 1884, c. 66. [5] § 1903, c. 49.

two months, at which three members constitute a quorum. It has authority to make by-laws for the conduct of its business, "to appoint a secretary or superintendent, prescribe his duties, and fix his compensation," not exceeding $1,800 a year.[1] He holds office during the pleasure of the board and gives his whole time to the duties of his office. He has all the powers of a member of the board except that of voting, may make the visits required of the board, and may, under its direction, perform any duties assigned to him. If any member of the board appointed by the governor is chosen secretary, his office as a member becomes vacant, and the vacancy is filled by another appointment.[2] The duty of the board and its secretary regarding children's homes will be noted later. For this work the board may appoint an agent, and pay him not more than $3 a day for the time actually employed. The total compensation of its secretary and agent must not exceed $2,000 a year.[3] The total appropriation for salaries and expenses is limited to $4,000 a year.[4] The members serve without compensation, but "their traveling and other necessary expenses, as audited by the comptroller," are paid by the state.[5]

3. EXEMPTIONS FROM TAXES

The laws regarding the abatement of the taxes of poor persons remain as they were in 1875.

The assessors and board of relief may abate the polls of indigent, sick, or infirm persons in their respective towns, not exceeding one-tenth of the taxable polls; and . . . give

[1] § 2864; 1903, c. 172. [2] § 2865; 1895, c. 311, § 2.

[3] § 4811; 1895, c. 298, § 3. This is the statutory provision. An act of 1903 (c. 172) increased the salary of the secretary from $1,500 to $1,800, but failed to raise the $2,000 limit by an equal amount.

[4] § 2866; 1895, c. 290. [5] § 2864.

reasonable notice of the time and place of their meeting for that purpose.[1]

The selectmen of towns, the mayor and aldermen of cities, the wardens and burgesses of boroughs, . . . may abate the taxes assessed . . . upon such persons as are poor and unable to pay the same; and . . . present to each annual meeting . . . a list of all persons whose taxes they have abated in the preceding year.[2]

4. LEVY OF TAXES

Selectmen still possess authority, when a town neglects to lay necessary taxes, to "make a rate bill upon its list last completed for the amount necessary, and cause the same to be collected as other taxes."[3] This enables them to secure funds for the support of paupers.

5. POOR-LAW ADMINISTRATION

At this point something should be said of the methods actually employed during the last thirty years and the questions which have called for discussion.

In 1886, of the 167 towns in the state, 62 owned almshouses and 34 others used almshouses by contract with private owners. 24 of these latter towns paid the keeper a lump sum for the care of all paupers, whatever the number, except in some cases tramps and insane. At least 7 towns owning almshouses contracted with the keeper for a gross or a weekly sum per head.[4] In 1884 the supreme court had before it a case, the record of which gives the terms of the contract between the town of Groton and its contractor. He was to receive for a term of three years an annual

[1] § 2353; from 1750, 1784, 1819. *Vid.* pp. 86, 146.

[2] § 2388; from 1823, c. 13, but *cf.* 1784. *Vid.* pp. 86, 148.

[3] § 2362, from 1784. *Vid.* p. 88.

[4] *Rep. Board of Charities*, 1886, pp. 66, 67.

compensation of $2,300, and for an additional term of three years $2,800 a year, in both periods the services of the paupers being included in his compensation.[1] These contracts were supposed to go to the lowest bidder, who had the labor of the paupers. The system almost inevitably entailed cruelty and privation, for the contractor wished to make as much profit as possible. The uncertainty as to the number to be supported made his contract a lottery. The report of the state board of charities for 1886, which brought out these facts, led to the prohibition of such contracts by the general assembly of that year. There were also six towns, Avon, Barkhamsted, Bloomfield, Burlington, East Granby, and Windsor Locks, which had a contract with the contractor for the state paupers at Tariffville under which paupers were sometimes kept there,[2] though this was against the law.

There are now 168 towns in Connecticut, of which, at the close of the fiscal year 1903,[3] 67 owned almshouses, 16 maintained almshouses owned and managed by private persons, and 3 used the institution at Tariffville. Nor is this all. Near the end of July 1904, there were at Tariffville 35 inmates, of whom only 6 were state paupers. Four were boarded there by conservators or relatives, while 25 were supported by 12 towns. There were 10 who were imbecile or feeble-minded and 5 classed as chronic insane. In almost every instance this was in direct violation of the law, which permits a town to care for its paupers only within its own limits or those of the adjoining town. There are not twelve towns which adjoin Simsbury, within the limits of which Tariffville is situated. Many of these paupers are of

[1] 52 *Conn.*, 200. [2] *Rep. Board of Charities*, 1886, p. 66.

[3] Statistics for the fiscal year 1903 are from unpublished records of the state board of charities.

the most degraded type. In fact, it is the pauper whose character or habits make him an undesirable inmate for the local town almshouse that is likely to be sent to Tariffville, where he may associate with respectable state paupers. It is not right that these should be compelled to live with the most troublesome and degenerate poor from the towns.[1] The condition of this so-called state almshouse has aroused the protest of the state board from year to year. The report of the commission on state charities in 1877 said:[2]

All hygienic laws are here set at defiance in the crowded and ill-ventilated rooms . . . We have no reason to suppose that the paupers are not comfortably fed and warmed, but the accommodations are far from being sufficient.

In 1890[3] the state board reported:

The place kept by Mr. Sanford is unworthy of the State, however remunerative and satisfactory to him. It has for many years been a glaring illustration of the "contract system" of caring for the poor.

Improvements have been made since then. In 1895[4] the board stated that though the house was entirely lacking in conveniences and sanitary appliances, yet the food was wholesome, the rooms tolerably neat, and on the whole the inmates were comfortably and humanely cared for. The report of 1900[5] declared that of late the buildings had been in fair condition, when the character and dirty habits of the inmates were considered, but there was need of a new building or, better, a new system by which town and state

[1] *Rep. Board of Charities*, 1902, p. 36; 1900, p. 39.
[2] *Rep. Commission on State Charities*, 1877, pp. 8, 9.
[3] *Rep. Board of Charities*, 1890, p. 158.
[4] *Ibid.*, 1895, pp. 159, 160.
[5] *Ibid.*, 1900, p. 39.

paupers should not be herded together in one place. The report of 1902 [1] recommended

> that an entirely new State almshouse be established, to be owned and managed by the State, which shall provide suitable accommodations for all State paupers and for such dependent persons as the different towns may see fit to support in it, and shall have separate departments for the different classes of inmates.

The force of the last recommendation is seen when it is stated that there are in Tariffville and in town almshouses insane, imbecile, epileptic, and morally degenerate inmates, as well as those suffering from tuberculosis. This recommendation did not commend itself to the legislature, though, as already noted, it authorized the comptroller, at his discretion, to contract with any town for the support of the state paupers. The intention probably was to have state paupers boarded at state expense in town almshouses.

There is great variety in the character of the almshouses in the towns. In seven, prisoners are still received, under the workhouse law. In most but not in all cases, these are separated from the paupers. One town, Bridgeport,[2] usually places them in the insane ward. There has been much improvement in the management of the almshouses since the regular visits from the state board. The board reported in 1882 [3] that in several almshouses they had found the absence of all sanitary regulations, no separation of the sexes, and such neglect and even inhumanity in the care of the sick, insane, and imbecile as to call for immediate investigation and legislation. To-day the majority "maintain an excellent standard of humane treatment and careful manage-

[1] *Rep. Board of Charities*, 1902, p. 63.
[2] *Ibid.*, 1902, p. 270.
[3] *Ibid.*, 1882, pp. 7, 8.

ment." In a number are still found "a lack of suitable classification and separation of the inmates, inadequate heating arrangements, water supply and facilities for bathing, and the absence of any systematic labor for all the able-bodied inmates." [1] The paupers in the towns which have no almshouse are usually boarded with families. Frequently these are located in the outskirts of towns, where they are seldom visited and only the humanity of the keepers insures proper care for the paupers. Sometimes the rooms and clothing are poor beyond description. Visits from the state board have had a helpful influence in many such cases.[2]

The fact remains, however, that so long as the town system is maintained, it will be difficult if not impossible to secure proper classification and treatment for paupers. The state board with its present force cannot closely watch all towns. Many of these have only one or two paupers, and to maintain for them an almshouse with a salaried keeper is too expensive. If, as often happens, some of the paupers are physically, mentally, or morally deficient, there can be no proper classification or care in a small town almshouse. This is the reason that the recommendation of nearly every commission appointed to examine the public charities and the repeated recommendation of the state board has been for a district or county system. In the last published report, that of 1902,[3] the board argues thus in favor of the change:

Sufficient numbers of persons would thus be gathered in the several places to make it worth while to engage keepers of first-rate ability, and opportunity would be offered for careful

[1] *Rep. Board of Charities*, 1902, p. 61.
[2] *Ibid.*, 1898, p. 74.
[3] *Ibid.*, 1902, p. 62.

classification of the inmates. Separate buildings could be provided for the aged and infirm, for the dirty and demented cases, and for the worthy and unfortunate poor, who now often suffer real hardship under compulsory association with degraded characters in the town almshouses. Another department could be reserved as a workhouse for the able-bodied "rounders." . . . With the economy of management made possible in a large institution, it is probable that the cost to the towns for the support of their dependent poor under the proposed system would be no more (and perhaps less) than at present, even including the cost of transportation, which is being reduced steadily by the constant growth of means of intercommunication.

One difficulty with a county system is that it would render valueless most of the almshouse property, unless it could be sold. A district system, which would remove the responsibility less far from the local communities and permit the utilization of nearly if not quite all of the suitable existing buildings, would seem to be easier of realization. A careful scheme of this sort was worked out by the superintendent of the Windham almshouse in Willimantic. It was introduced into the assembly of 1887 and continued until the session of 1889, but was not enacted. This bill divided the state into 33 districts, 8 of them comprising but one town each, and directed the selectmen of the towns in each district jointly to provide an almshouse, which might be done by contract with a town which already possessed one. Any town might give partial temporary support to a family actually living therein, and provide for any sick, insane, or idiotic person at a hospital. Otherwise, all paupers were to be supported in the almshouse. The expense was to be paid by the towns in proportion to the number of days' board furnished the

paupers of each.[1] All of this agitation has resulted only in restoring the authority of towns to unite in erecting almshouses. How far this failure is due to Connecticut unwillingness to depart from the town system, how far to the reluctance of local politicians to lose the advantages of strictly local administration, and how far to a feeling expressed by the commission of 1877, cannot be stated. This commission opposed any removal of paupers from their homes, saying,[2]

> It is a positive inhumanity . . . to remove a man from his home, or his birthplace if he has no home, merely because he is poor . . . As age and infirmities creep upon him, they fall with increased severity if he is sent amongst strangers, who care for him for a stipend, and with none of the love of a relative or townsman.

The other administrative problem which has excited discussion is that of the so-called outdoor relief. This is not confined in Connecticut to small towns which cannot economically maintain an almshouse, but has been widely used in the larger towns and cities. The agitation in this matter has been for the most part local. No laws have been passed limiting such relief, though the plainly expressed intent of the statute[3] is that such aid shall be given only as a temporary expedient. In order to secure the facts as to indoor and outdoor relief, the act of 1884[4] was passed requiring the towns to keep full records of all persons supported or aided, with the amounts expended, and to make returns to the state board. In the report of 1895,[5] it was stated that not a single return had been made. Fair reports are now secured.

[1] *Rep. Board of Charities*, 1888, p. 24 *et seq.* [2] *Op. cit.*, p. 10.
[3] § 2477. [4] C. 66. [5] *Rep. Board of Charities*, 1895, p. 218.

Attention was called by the board as early as 1888[1] to the evils attending outdoor relief. The board was reasonably certain that at least 20,000 people received such aid each year, or one to every 35 in the population, which was then not far from 700,000.

> The towns treasuries, as frequently managed, make more paupers than they relieve . . . Children in many towns are brought up in the practice of going to the selectman's office for the weekly or monthly stipend for the family, and by the time they reach maturity have come to look upon the town treasury as the one natural and unfailing source of revenue. . . . They are hypnotized all the way from the mother's breast to the grave and from generation to generation by the careless, even reckless administration of what is misnamed Charity.

In 1884 the town of Windham began to send all new and many old applicants to the almshouse. Nearly all discovered that they could support themselves.

	No. outside poor.	No. families.	Aided all the year.	Largest grant.	Total expense.
1883	398	121	53	$242.77	$8,071.06
1887	217	66	8	145.45	2,596.64

	Inmates of Poorhouse.	Cost.
1883	30	$4,983.47
1887	38	5,664.18

In other words, the cost of almshouse support increased $680.71, while that of outdoor relief decreased $5,474.42, a net saving of $4,793.71.[2]

The agitation of this subject in Hartford led to the appointment in 1890 of a special committee, which a year later

[1] *Rep. Board of Charities*, 1888, p. 35. [2] *Ibid.*, p. 36 *et seq.*

submitted a report which is well known for the fulness of its statistical data. The committee found that Hartford was expending annually $2.07 *per capita* for all relief, of which $0.90 was for outdoor relief. These figures were larger than those for any other city in the world of which the statistics were secured, except London and Paris.[1] As a result of their recommendations, certain changes were made which have resulted in greatly reducing the expense. While in 1885 more than $40,000 was thus spent, now less than $8,000 is expended for this purpose.

In 1894 the town of Waterbury laid down rules for the guidance of its selectmen in administering outdoor relief. These limited the amount to be granted without investigation, the amount of rent to be paid and the families to whom this help might be given, the time during which outdoor relief might be extended and the persons who might thus be assisted. No orders were to be issued except upon the town store room, for which, as for the almshouse, the purchases were to be made at wholesale. The name of every person aided or supported, with the place of residence and certain other facts, was to be printed in the annual report.[2]

The earliest statistics regarding outdoor relief appear in the report of the state board for the year 1891.[3] Comparing these figures with those for 1903, we find that while the total expenditure for pauperism has increased from $688,965 to $779,397, that for outdoor relief has decreased from $385,913 to $236,355. In 1891 the amount expended for outdoor relief was 56 per cent. of the whole, for 1903, 36.7 per cent. Probably the decrease is really somewhat less than this, for in 1891 there was no clear distinction between

[1] *Op. cit.*, p. 1 *et seq.* [2] *Rep. Board of Charities*, 1895, pp. 220, 221.
[3] *Ibid.*, 1892, pp. 128–136. Amounts for insane and sick were deducted from total for outdoor relief.

outdoor relief proper and the amount spent for hospital treatment. There has, however, been a marked improvement.

Of the expenditure for 1903 there was used for

Almshouse support	$242,240	31.1 per cent.
Outdoor relief	286,383	36.7 per cent.
Asylums and hospitals	236,355	30.3 per cent.
Office expenses, *etc*	14,419	1.9 per cent.
Total	$779,397	100.0 per cent.

The numbers aided were as follows:

Almshouse inmates	3,717	
In hospitals and asylums	3,822	
Outside poor (occasional)	4,210	11,589
Outside poor (regular)	7,379	
Tramps and vagrants	19,889	
Cost of tramps and vagrants	$1,695[1]	

The state paid for paupers in 1903, $7,826.95:

To Morton Sanford, Tariffville	$1,167 28
To Conn. Hospital for Insane	60 40
To 23 towns	6,599 27

Through the efforts of the state board of charities, 100 selectmen from 60 towns met in New Haven in September, 1888. It was voted to hold an annual convention to discuss the best methods of dealing with pauperism, but nothing more was done.[2] Within a few years another attempt has been made to secure united action by the officials charged with the care of the poor. Several annual meetings have been held and through the influence of the legislative committee appointed by the convention, some legal changes have been secured. It is impossible, however, to secure anything

[1] As reported, but probably more. The number of tramps and vagrants is that reported by selectmen and boards of charity commissioners. The number would be considerably larger if there were included the vagrants given lodgings by the police of cities.

[2] *Rep. Board of Charities*, 1888, p. 3 *et seq.*

like full representation. The New Haven authorities have always held aloof and it is difficult to secure the attendance of selectmen from the smaller towns. The care of the paupers is only one of their duties, often a comparatively unimportant one, and as their term of office is for only one year, they take little interest in discussing the problems of pauperism.

IV. Special Legislation

The principal changes since 1875 have been in the realm of special legislation. New differentiations have been made and former legislation has been elaborated.

1. VAGRANCY

The workhouse law was passed early in the eighteenth century to secure special punishment for the tramp or vagrant. In spite of the experience of more than a century and a half, the problem was so far from solution that in 1873 and 1875 a committee was appointed, which reported in May, 1875.[1] It stated that the drastic measures taken by Massachusetts and New York had driven their tramps into Connecticut; that the police records of Hartford showed that in three months 4,759 lodgings were furnished these travelers, 105 in one night; and that no fewer than 40,000 lodgings were given to vagrants by Connecticut towns the previous year. More than half of the men were under twenty-five and avowed, when offered work, that they were professional tramps and were bound to live without work. The committee wished to recommend that harboring, feeding, or in any way aiding a professional tramp be made a penal offense, quite in the manner of some old English statutes, but they knew this would not be feasible.[2] While

[1] *Rep. Committee on Penal Treatment of Inebriates and Vagrants.*

[2] *Ibid.*, pp. 13, 14.

all their proposals were not adopted, two bills were passed, one for county workhouses and one regarding vagrants. The latter law [1] authorized any individual to whom a tramp applied for food, lodging, clothing, or money to detain him not longer than until eleven o'clock of the following day and require him to perform a reasonable amount of labor as compensation for the aid given. For neglect or refusal to do this or for injury to person or property, the offender was declared a vagrant and was to be sentenced to a town or county workhouse, or, if there was none in the county, to the county jail, for not less than 30 days or more than six months, and until the costs were paid. Upon a second conviction, he was to be confined not less than four months or more than a year and until the costs were paid. An appeal might be taken to the superior court. Sheriffs, deputy sheriffs, selectmen, constables, grand jurors, and the executive officers of cities and boroughs might arrest without warrant such transient persons, take them before any magistrate having criminal jurisdiction, and on a written complaint have them sentenced to workhouse or jail. Special constables might be appointed by selectmen in each school district to enforce this law. How a private individual could detain a tramp and have him work out his lodging, may have been clear to the framers of the bill, but is not apparent. This statute was repealed in 1886.[2]

Meantime, another law having a similar purpose had been enacted in 1879,[3] which is still on the statute book. "All transient persons who rove about from place to place begging, and all vagrants, living without labor or visible means of support, who stroll over the country without lawful occasion," are tramps and liable to confinement in prison for not

[1] 1875, c. 75. [2] C. 4. [3] C. 59.

more than one year.[1] Any act of beggary or vagrancy by a person not a resident of Connecticut is *prima facie* evidence that he is a tramp. A tramp who willfully or maliciously injures any person or is found carrying any firearms or other dangerous weapon, is imprisoned not more than three years.[2] Mayors, wardens, and selectmen are required to appoint special constables to arrest and prosecute tramps, and any officer of the law upon view of the offense of vagrancy or upon speedy information thereof may arrest such an offender without warrant and take him before any competent authority.[3] These sections do not apply "to any female, or minor under the age of sixteen years, nor to any blind person, nor to any beggar roving within the limits of the town in which he resides."[4] Before 1889[5] a reward of $5 was paid for each conviction.[6]

The statutes authorize the maintenance of three kinds of workhouses. Towns singly[7] or in co-operation[8] may establish workhouses, counties may build and maintain them,[9] and all county jails are workhouses.[10]

The law for town workhouses has not recently been changed. The selectmen are overseers of the workhouse, with authority to appoint, to remove for misconduct, and to superintend and direct the master, and the duty of visiting the workhouse at least once in three months. The duties of the master are to receive and keep at work all sent there, if necessary to place them in close confinement or reduce them to bread and water, and to bring back any who escape. For every escape one month is added to the term of imprison-

[1] § 1336. [2] §§ 1337, 1338. [3] §§ 1339, 1340. [4] § 1341. [5] C. 66.
[6] 1879, c. 59, § 5. [7] § 2960, from 1813, May, c. 19. *Vid.* p. 150.
[8] § 2966, from 1813, May, c. 19. *Vid.* p. 150.
[9] § 2968; 1875, c. 76. *Cf.* law of 1750. *Vid.* p. 66.
[10] § 2967; from 1841, c. 21. *Cf.* laws of 1713, 1750. *Vid.* pp. 60, 66.

ment. The prisoner himself, his parents, or master, if able, are liable for the cost of his support, if his earnings prove insufficient. Any deficit is paid by the town. If a prisoner is unable to work, he is cared for at his own expense or at that of the town. Males and females must be confined separately.[1] Several towns interpret the power to "establish a workhouse" as permitting them to designate the almshouse as a workhouse, to which persons are then sentenced under the workhouse law. Whatever the courts might declare, it is clear that the workhouse law never contemplated any such provision for tramps and petty offenders.

Any county may erect and maintain one or more workhouses.[2] The county commissioners [3] have power to make rules for their regulation and to direct as to the labor and discipline of the prisoners. The jailer is the master of the workhouse and the commissioners may also appoint and remove an assistant master and prescribe his duties. They may both be required to give bonds with surety.[4]

These provisions are practically dead, for, with the exception just noted, there is not in Connecticut to-day a town or county workhouse separate from a jail. The workhouses actually used are maintained under other laws. In 1875,[5] it will be recalled, any county jail that was properly fitted might be used as a workhouse. The vagrancy commission secured the enactment of the law of 1875[6] which authorized counties to build such institutions apart from jails. Possibly because no action was taken, a statute was passed in 1878[7] which constituted the jails workhouses and made it

[1] §§ 2961–2965. [2] 1875, c. 76.

[3] Three for each county, appointed by the general assembly for terms of four years, part retiring biennially. § 1742.

[4] §§ 2968–2970. [5] 1875, 109, § 9.

[6] C. 76. [7] C. 98.

the duty of the county commissioners to furnish work for the prisoners. No bill for the board of prisoners was to be paid by the state to a county which did not comply with this law. These provisions are still in force.[1]

There is no differentiation between the inmates of town or county workhouses and jails. A justice of the peace may commit a person liable to a jail sentence to a town or county workhouse.[2] Any one liable to a jail sentence may be sent to a county workhouse,[3] and any one liable to imprisonment in a town workhouse may instead be sent to a county workhouse or to a jail.[4] A convict who is imprisoned for failure to pay his fine and costs may be sent to the workhouse of the county instead of to the jail.[5] Of course, with only the single institution, there must be such option for the judge, but it was possibly granted because towns and counties were willing to support only the jails.

The county commissioners may release any prisoner committed to a county workhouse under the law for town workhouses who, because of his good conduct or illness, should not be retained. He is required to pay what remains due of the cost of his prosecution, commitment, and support. If he is unable to do this, they may take his note, payable to the town from which he was committed, and discharge him. The town pays the debt and receives the note. A person so confined, who is held simply for the payment of fine and costs and cannot pay these, may be released upon giving his note to the treasury liable for such payment.[6] One committed to a jail or county workhouse by a justice of

[1] § 2967. [2] § 1445; from 1830, c. 1, § 146. *Vid.* p. 152.
[3] § 2974 ; from 1841, c. 21. *Vid.* p. 225.
[4] § 2972; from 1841, c. 21, § 10; 1845, c. 30, § 1. *Vid.* p. 226.
[5] §§ 1445, 2974.
[6] § 2973; 1879, c. 118, § 11; from 1841, c. 21, § 11. *Vid.* p. 226.

the peace, or a city, police, borough, or town court, and held therein for the payment of fine and costs only, may be released in the same way, except that security for the note must be taken if possible.[1] Such discharge may also be made on the same terms by the state's attorneys in the counties, with the advice of the superior court, or of one of its judges in vacation, or by the prosecuting attorneys of the criminal court [2] of common pleas.[3] On the other hand, any inmate of a penal or charitable institution, supported therein as public expense, who is affected by any venereal disease so that his discharge would endanger public health, may, with the approval of the officer in charge, be detained until the medical officer or physician reports in writing that he may safely be discharged.[4]

Somewhat similar in its purpose is a recent law which prohibits prisoners in a jail or workhouse from manufacturing or preparing any article which in its use touches the mouth, like food products or tobacco.[5]

Sentences under the workhouse law are for not more than 60 days on a first conviction, for not more than 240 days on a second, and for not more than 360 on a third. Those who are liable to this punishment are idlers, beggars, vagrants, brawlers, fortune-tellers, and common drunkards.[6] Prostitutes and others of like character, male or female, may be sent to the workhouse for not more than 30 days, and for each subsequent offense for not more than 120 days.[7] It

[1] § 1533; 1877, c. 16.

[2] An inferior appellate court in Fairfield, New Haven, and New London counties, § 1458.

[3] § 1532; from 1857, c. 31. *Vid.* p. 226. Previously this applied only to jails.

[4] § 2975; 1893, c. 124.

[5] § 2976; 1895, c. 153.

[6] § 1342; 1893, c. 97. *Cf.* 1727. *Vid.* p. 63.

[7] § 1319; 1880, c. 41. *Cf.* 1727. *Vid.* p. 63.

was explained elsewhere that a man who neglects his wife or children may be sentenced to the workhouse.[1]

Escape from a county jail or workhouse is a serious offense. One who breaks out in order to secure the escape of himself or another inmate is imprisoned in state prison for not more than five years.[2] A successful or an unsuccessful attempt to escape from a keeper when employed outside the workhouse or jail results in the imposition of a punishment or fine not exceeding the original sentence for which the prisoner was confined at the time of the attempt.[3]

The workhouse law has signally failed to solve the problem of vagrancy, perhaps because there are no true workhouses. This failure is clearly shown by the fact, already mentioned, that in the year 1903 at least 19,889 tramps and vagrants were cared for in the towns. The Hartford committee on outdoor alms of 1890 found that prostitutes and other petty criminals were sentenced by the police court to the almshouse under the workhouse law.[4] The state board of charities stated in their report for 1901 [5] that they knew of several cases of young women mentally and morally defective who were more or less regular inmates of the almshouses and contributed to the increase of the pauper class through their illegitimate children. Not only does the present administration thus increase the pauper class and furnish a free home or hospital for regaining health for another debauch, but it subjects to unnecessary hardships the really worthy poor, by compelling them to associate with criminals and moral defectives. With district or county almshouses this could be largely obviated, for it would be possible to use one department as a workhouse. The pres-

[1] § 1343. *Vid.* p. 284.
[2] § 1266; from 1830, c. 1, § 56.
[3] § 1267; 1884, c. 55.
[4] *Op. cit.*, p. xliii.
[5] *Rep. Board of Charities*, 1901, p. 36.

ent method is worse than foolish. Another cause for the existence of vagrancy may be the severity of the penalty prescribed for it. It is as great a mistake to make a penalty too severe and have the law become a dead letter as to make it so light as to have no deterrent effect. Besides, the towns find it cheaper to pass tramps on than to secure their conviction.

2. CARE OF SICK

The state still continues its policy of assisting in the erection and enlargement of hospitals and of granting them annual appropriations. These are "to be expended under the direction of the governor . . . and the managers . . . for the support of charity patients, and so used as to benefit the different towns as they may from time to time make application." The legislature has been thoughtful enough to provide that no appropriation shall be paid to any hospital that is not in actual operation.[1] Each hospital is required to submit a biennial report to the governor for the two fiscal years preceding the sessions of the general assembly, which includes the itemized expenditures, the name of each person receiving a salary or wages, the kind of service paid for, the amount paid to each, the different amounts paid for other separate purposes, the number of patients cared for, the average number for each year, and the total number of weeks of care.[2]

The two public hospitals receiving annual grants in 1875 have become eleven, and the grants, formerly $2,000, range from $3,000 to $10,000.[3] At the session of 1903 appropriations were made to six other hospitals, not yet on the

[1] § 2852; 1884, c. 97, § 1.

[2] § 184; 1895, c. 293.

[3] 1903, c. 44.

regular list.[1] When a grant is made for buildings, it is customary to make it conditional upon the raising of a specified sum from individuals, the proportion of this to the amount appropriated varying; but this is not always done, especially when an existing hospital is enlarged.

A new differentiation has been made and special relief provided for tuberculosis patients. $25,000 was appropriated in 1901 [2] for the erection of a branch of the Hartford Hospital for such cases, which was opened in 1902, but has since been closed for lack of funds. An appropriation of $25,000 was granted in 1903 [3] to the New Haven County Anti-Tuberculosis Association.

This policy has been maintained in spite of occasional protests. In the report of the state board of charities for 1892 [4] the question of its wisdom was raised. The board declared that the amount appropriated for buildings was proportional to the zeal of the applicants and that the annual

[1] The regular list is as follows (1903, c. 44):

$10,000 to the General Hospital Society of Conn., New Haven.
10,000 to the Hartford Hospital.
5,000 to the Bridgeport Hospital.
5,000 to the Grace Hospital at New Haven.
5,000 to the William W. Backus Hospital at Norwich.
5,000 to the Norwalk Hospital.
5,000 to the Memorial Hospital at New London.
5,000 to the St. Francis Hospital at Hartford.
3,000 to the Litchfield Co. Hospital at Winsted.
3,000 to the Day-Kimball Hospital at Putnam.
3,000 to the Meriden Hospital.

Appropriations for 1903–5 were granted to Waterbury Hospital ($10,000), Stamford ($10,000), Middlesex of Middletown, a new institution ($26,000), Meriden (for enlargement, $20,000), New Britain Hospital ($22,000, of which $12,000 was for enlargement), Danbury Hospital ($10,000), Greenwich (new, $25,000). *S. A.*, 1903, nos. 10, 28, 217, 225, 238, 309, 310, 368, 436.

[2] *S. A.*, p. 1208.

[3] *S. A.*, no. 236.

[4] *Rep. Board of Charities*, 1892, p. 43.

appropriations were not proportioned to the work done. Thus, at that time the Hartford and New Haven hospitals, with 1,048 and 1,031 patients and caring for the poor from 64 and 91 towns respectively, received the same amount as the Bridgeport hospital with only 368 patients. This matter of proportion has been corrected in part, but it still remains true that aid is given whenever urged with convincing vehemence. The board suggested that there should be a discussion as to why state aid was given and how far the policy should be extended, expressing its own conviction that an unfortunate precedent had been established, which was likely to open the door to exactions and abuses. They suggested that if the aid was to be continued, the amount paid should be strictly proportioned to the town poor cared for.

In 1899 there was submitted to the general assembly a report from a committee on state receipts and expenditures. It was recommended [1] that the amount granted be based upon the number of town and county patients treated during the preceding year, leaving $5,000 as a limit. Doubt was expressed as to the wisdom of appropriating funds for the erection of buildings.

In spite of such objections, the policy is still continued and the grants have steadily increased.

3. PROTECTION OF INDIANS

The laws for the protection of Indians remain with few exceptions as they were in 1875. The court of common pleas of Litchfield county [2] and the superior court in any other county in which a tribe of Indians lives, annually appoints an overseer for the tribe, who is required to have the care and management of their lands and money and

[1] Pp. 36, 37.

[2] 1883, c. 110; *cf.* 1876, c. 8.

see that they are used for the best interests of the Indians, and that the rents, profits, and income thereof are applied to their benefit.[1]

He is required to give a bond with sufficient surety to the satisfaction of the appointing court or judge

in a sum one-third more than the amount of the estate of such tribe, conditioned that he will faithfully account for any property of such tribe which shall at any time be in his hands.[2]

The overseer settles his account with the court annually and reports to it

the amount and condition of the fund of such tribe, his estimate of the value of their lands, the income annually received and appropriated and expended by him for their benefit, specifying the items furnished and received, and also the number and condition of such tribe.

A copy of the report, as accepted by the court, is filed in the office of the secretary of state and in that of the clerk of the town where the tribe resides.[3]

"Except as otherwise expressly provided, all conveyances by any Indian of any land belonging to, or which has belonged to, the estate of any tribe," is void.[4] The court which appoints the overseer has jurisdiction of applications for the sale or exchange of the lands or other property belonging to any member of the tribe. Notice must be served on the overseer like process in civil actions, and the

[1] § 4419; from 1821. *Vid.* p. 153.
[2] § 4420; from 1823, c. 25. *Vid.* p. 154.
[3] § 4421; from 1821. *Vid.* p. 153. [4] § 4423; from 1680. *Vid.* p. 46.

court may, on terms and conditions prescribed by it, order the sale or exchange of the property. The overseer may purchase and take a conveyance of the property thus offered for sale for and in the name of the tribe.[1]

If any Indian brings action for the recovery of lands owned by Indians or sequestered for their use by the state or any town, in accordance with law, the defendant is not allowed to plead the statute of limitations, except in the case of the Mohegan Indians, who are citizens and come under special laws.[2]

If any person takes wood from the lands of any Indian, without the permission of the overseer, he forfeits $5 for each load, to be recovered by the overseer for the benefit of the tribe. The team, vehicle, and implements used may be attached and execution levied on them as if they were the property of the offender.[3]

Under a law of 1876,[4] if any members of the Golden Hill tribe of Indians are or are likely to become chargeable as paupers in any town, because the income received by the overseer proves insufficient for their support, the superior court of Fairfield county may, upon the application of the selectmen, after due notice to the overseer and a hearing, order the overseer to sell

such proportion of the property of said tribe as the number of members so chargeable may bear to the whole number of said tribe, and to pay over the proceeds of such sale, together with a like proportion of any other money in his control belonging to said tribe, to the selectmen of said town, with authority to said town to use the whole or any part thereof for the support

[1] § 4426; from 1852, c. 55. *Vid.* p. 230.

[2] § 4424; from 1726. *Vid.* p. 154.

[3] § 4425; from 1834, c. 15. *Rev. 1849*, p. 442. *Vid.* pp. 154, 230.

[4] C. 35.

of such members of the tribe so chargeable as are named in the order.[1]

If any member of a tribe allows his children to live in idleness or does not provide competently for them, whereby they are exposed to want, or if any poor children of the tribe live idly or are exposed to want, the overseer, with the assent of two justices of the peace residing in the town where the tribe lives, may indenture the children to a trade, boys till eighteen and girls till sixteen or the time of marriage within that age.[2]

3. CARE OF INSANE

One subject which has called for much legislation is that of the care of the insane. The lack in 1875 of legal means for the release of those improperly confined has been supplied and regulations enacted for the supervision of private asylums. An act has been passed for the erection of a new state insane hospital to relieve the overcrowding in Middletown and to provide for those now in almshouses and for the future increase.

It will be best to consider first the general laws regarding the insane and then the provisions made by the state.

GENERAL LAWS

Any place, public or private, in which insane persons are received or detained as patients for compensation, is an asylum.[3] Commitments may be made only upon a written complaint that the person "is insane and is a fit subject to be confined in an asylum," and by the probate court of the district in which the person has his residence, or, if the residence is in another state or is unknown, in which he is when the complaint is filed. Any

[1] § 4422.
[2] § 4427; 1872, c. 83. *Vid.* p. 231.
[3] § 2735; 1889, c. 162, § 1.

one may make the complaint and it is the duty of selectmen to do this in case any insane person is "at large and dangerous to the community." [1] If a person suddenly becomes "clearly and violently insane," he may be detained for not more than forty-eight hours in any asylum chartered under Connecticut law without special order, and the manager must "see that the proper proceedings are forthwith commenced in the court of probate." [2] Otherwise, no person may be committed, admitted, or detained without an order from the probate judge.[3] The only exception is in the case of one who personally applies for admission in the manner to be explained presently.

Within ten days after receiving the complaint, it is the duty of the court to hold a hearing after reasonable notice to the person complained of and to such of his relatives or friends as it may deem proper. It may issue a warrant for the apprehension of the person and may make a personal examination if it deems it necessary and proper, or else it must state in the final order why it was not so deemed. If the court is satisfied that the person should not be at large, it may issue an order for his detention pending the final order, but may not deprive him of reasonable chances to consult counsel or friends or to prepare his defense.[4] In addition to oral testimony offered at the hearing, there must be the sworn certificates of at least two reputable physicians, graduates of legally organized medical schools, practitioners in Connecticut for at least three years, and not related by blood or marriage with either the complainant or the person complained of, or connected with any asylum, that the

[1] § 2736; 1895, c. 256, § 2; from 1793. *Vid.* p. 155.
[2] § 2737; 1895, c. 256, § 3. [3] § 2737; 1889, c. 162, § 3.
[4] §§ 2738, 2739; 1889, c. 162, § 4; 1895, c. 256, §§ 4, 5.

person complained of has been found to be insane and fit for confinement. One of the two physicians must be selected by the court and the examination must have been held within ten days of the hearing. If the court finds that the person is insane, it orders him committed to an asylum named in the order, to be confined while his insanity continues or until he is discharged in due course of law. In appointing a person to execute the order, preference is given, so far as practicable and judicious, to some near relative or friend, who takes to the keeper a copy of the certificates and order.[1] When an insane female is committed, the court must direct at least one female to accompany her unless she has with her a member of her family.[2]

Any party aggrieved by an order, decree, or denial of the probate court, including a relative or friend on behalf of a person found insane, may appeal to the superior court. The court may refuse to allow an appeal unless the appellant gives bond with surety to prosecute the appeal to effect and to pay costs if unsuccessful; or it may allow it without bond.[3] The superior court may require the state's attorney or, in his absence, some other practicing attorney of the court, to attend the hearing on the appeal and protect the interests of the state.[4] Pending the appeal, the superior court or, if it is not in session, any judge thereof, may make reasonable orders for the custody of the person.[5]

The court of probate before, or pending, or in the absence of an appeal, and the superior court after finding on appeal that the person is insane, may suspend commitment for as long as it deems proper, if a suitable person will give a

[1] §§ 2740, 2741; 1895, c. 256, §§ 6, 7. *Cf.* 1889, c. 162, §§ 5, 6, 11.
[2] § 2750; *cf.* 1895, c. 180, § 2.
[3] § 2751; 1895, c. 256, § 8. *Cf.* 1889, c. 162, §§ 7, 14.
[4] § 2752; 1895, c. 256, § 9; from 1889, c. 162, § 10.
[5] § 2754; 1895, c. 162, § 11; from 1889, c. 162, § 9.

satisfactory bond to confine the person in a suitable place of detention, not an asylum, and to answer all damages resulting from the suspension of confinement. The court may at any time order the commitment for cause shown or after commitment suspend the confinement upon these conditions.[1]

A probate court may at any time order the discharge of a person confined on its order upon proper application and satisfactory proof that his reason has been restored; or may, for reasonable cause shown, order a transfer from one asylum to another in the state.[2]

Fees and expenses incurred for a committal are paid out of the estate of the person, if he has any, or by the relatives liable for his support, or by the town to which he belongs. If the person is found not to be insane, the fees and costs are paid by the complainant.[3]

If an insane person who ought to be confined is at large in a town other than that of his residence, the selectmen may cause him to be removed to his residence on a warrant issued by a justice of the peace.[4]

An older method of commitment is by a judge of the superior court, to whom a written complaint may be submitted, alleging that the person named therein is insane and unfit to be at large. The judge thereupon appoints a committee composed of a physician and two other persons, one of them an attorney, judge, or justice of the peace, who, after the person has been notified according to the order of the judge, inquire into the complaint and report their findings. If in their opinion the person should be confined, the judge

[1] § 2753; 1895, c. 256, § 10; from 1889, c. 162, § 6.

[2] § 2756; 1895, c. 256, § 13.

[3] § 2758; *cf.* 1889, c. 162, § 13; 1895, c. 256, § 15.

[4] § 2755; 1895, c. 256, § 12.

issues an order therefor. The judge may tax reasonable costs at his discretion, and issue execution therefor.[1]

Justices of the peace no longer have authority to commit the dangerous insane.[2]

An asylum may receive a person who makes written application for treatment, but whose mental condition would not render possible a legal commitment. He cannot be detained more than three days after he gives written notice of his intention or desire to leave.[3]

There are special provisions for the commitment of paupers and indigent persons. When a pauper is insane, a selectman of the town applies to the probate court of the district in which he resides, which appoints two[4] physicians to investigate and report. If they report that he is insane, the court orders the selectman or other proper officer to take him to the state insane hospital. If he is only indigent, any one may apply. The court then appoints two physicians and one selectman[5] to investigate. They ascertain whether he is insane, and the selectman gives[6] an estimate of the value of his estate. If the court decides that he is indigent and insane, it orders the applicant or some one else to take him to the state hospital. One certified copy of the order and proceedings is sent with the patient to the hospital as a warrant for the commitment of the pauper or indigent person, and another transmitted to the governor.[7] If the court finds that the state hospital is full, it may, since the revision of 1902, commit him to another expressly named asylum or hospital.[8] An insane pauper who is not a resident of a Connecticut town may be committed by the governor to a suitable place of

[1] §§ 2768, 2769; from 1869, c. 80, §§ 3, 4. *Vid.* p. 241.
[2] *Cf.* 1888, § 3686. [3] § 2762; 1889, c. 162, § 18.
[4] One, before 1895, c. 180, § 1. [5] 1878, c. 103, § 1.
[6] 1899, c, 150. [7] § 2742; from 1867, c. 102, § 4. *Vid.* p. 238. [8] *Ibid.*

detention, upon the presentation of a sworn certificate signed by a reputable physician that he has found the pauper insane.[1]

Any one who wilfully causes, or conspires to cause, to be committed to an asylum a person who is not insane, and any one who wilfully and falsely certifies to the insanity of a person, and any one who wilfully reports falsely to a court that a person is insane, may be fined not more than $1,000, or be imprisoned in the state prison not more than five years, or both.[2]

Those confined in any asylum, unless convicted of or charged with crime, are entitled to the benefits of the writ of *habeas corpus*, the question of insanity being determined by the court or judge issuing the same. A decision that the person is insane is no bar to a second writ if it is claimed that he has been restored to reason. The application may be made by the person himself or on his behalf by any relative, friend, or person interested.[3] An attorney retained by or for a patient, or a physician designated by him or by a relative or friend, must be admitted to an asylum at reasonable hours, if the keeper judges it would not be injurious, or if a judge of the superior court first orders in writing that the visit be allowed. Patients must at all times be furnished with writing materials for communicating under seal with proper persons outside, and these communications must be stamped and mailed daily. At the request of a patient, rational communications must be written at dictation and mailed to the persons named.[4]

In 1878 [5] the provision given in the last chapter for the appointment of a commission to investigate an alleged unjust confinement in an inebriate hospital was extended to

[1] § 2743; 1893, c. 241. [2] § 2767; 1889, c. 162, § 23.

[3] §§ 2760, 2761; 1889, c. 162, §§ 16, 17.

[4] §§ 2763, 2764; 1889, c. 162, §§ 19, 20. [5] C. 130, § 1.

insane asylums. It authorizes any judge of the superior court, on information that any person is unjustly deprived of his liberty by confinement in an asylum or by detention in the custody of an individual under an order from the probate court, to appoint a commission of not less than two persons. At a time and place designated by them, they hear the evidence offered. They need not summon the party claimed to be unjustly confined but must have one or more private interviews with him, make due inquiries of the physicians and others in charge of the place of detention, and within a reasonable time make their report to the judge. If in their opinion the person is not legally detained or is cured or his confinement is no longer advisable, the judge orders his discharge. No commission may be appointed with reference to the same person oftener than once in six months. The judge may tax reasonable costs.[1]

Any keeper of an asylum who wilfully violates any of the provisions regarding the care of the insane, may be fined not more than $200, or be imprisoned not more than one year, or both.[2]

Through the revision of 1888, persons in charge of a place of detention for the insane might discharge those placed therein at their pleasure.[3] This power has been withdrawn and there is no longer authority for legally discharging an inmate except by order of the court. This does not hold for one who personally applied for admission, and who must be allowed to leave under the conditions already explained.

One further protection against illegal detention or improper treatment is found in the authority of the state board of charities over all asylums, public or private. The board is required to visit and inspect each place of detention for

[1] § 2770; from 1874, c. 113. *Vid.* p. 200.
[2] § 2771; 1889, c. 162, § 24. [3] *Cf.* 1888, § 3685.

the insane as often as once in six months. Each asylum must make quarterly returns to the board, stating for each patient the name, age, sex, the date of commitment and by whom, and such other information and in such form of return as the board may require.[1] The board realize that their supervision is inadequate and recommended as early as 1892 [2] that a commission in lunacy be created with authority to grant or withdraw the licenses of private asylums, to remove insane persons from almshouses and other unsuitable places, and in general to act as guardians of the insane. Their latest recommendation [3] was that two additional male members be added to the board, at least one of them an expert in insanity. This would make the board a joint board of lunacy and charities and meet the need perhaps as well as the creation of another board. Neither suggestion has been adopted.

The report of 1892 stated [4] that while the commitment of Connecticut insane was a formal matter, there was nothing to hinder the detention of patients from other states. From a strictly legal point of view, this criticism was unjust. The law then was substantially the same as that of to-day and forbade, unless otherwise provided, the reception by an asylum, public or private, of a patient except upon the order of the court. The only exceptions thus provided for were cases of sudden and violent insanity and those in which patients personally applied for admission. Practically, however, the board's position was correct. There was nothing to prevent individuals from establishing private asylums and the occasional visits of the members of the board were quite inadequate to prevent unlawful detentions. In fact, it was possible for an asylum to

[1] §§ 2765, 2766; 1889, c. 162, §§ 21, 22.

[2] *Rep. Board of Charities*, 1892, p. 42.

[3] *Ibid.*, 1902, p. 54.

[4] *Ibid.*, 1892, p. 41.

be maintained for months without their knowledge. The humanity of the proprietors was all that stood in the way of grave abuses.

The board also called attention to the fact [1] that there was no restriction upon the opening of private asylums, as a license was not required, and hence there was no way to prevent the starting of such institutions from motives far from humane. This was true and it was not until 1897 [2] that the defect was remedied. The act then passed is still in force. It provides that no private asylum may be conducted except under a license granted by the governor. Written application under oath must be made to him, stating the proposed location, the capacity of the institution, the name of the person to be in charge, and his previous experience. The governor is given twenty days in which to act. If satisfied that the location is suitable and the applicant a proper person to receive a license, he issues the license, specifying the location and the name of the person in charge. Each institution must be under a physician registered in Connecticut, who has had at least three years' experience as medical attendant in some insane asylum. He must reside on the premises. The person in charge cannot be changed by the licensee without permission from the governor, granted within ten days after written application to him. After giving a licensee reasonable opportunity for a hearing, the governor may revoke his license for a violation of law or upon proof that the institution is not properly conducted. The license fee is $50, and an annual fee of $25 must be paid on July 1. Any one who conducts an asylum contrary to these provisions may be fined not more than $1,000, or imprisoned not more than six months, or both. This does not apply to a state hospital for the insane.[3]

[1] *Rep. Board of Charities*, 1892, p. 41. [2] C. 215. [3] § 2772.

STATE HOSPITALS FOR INSANE.

The state itself cares for insane patients in its own institutions. The older of these is the Connecticut Hospital for the Insane at Middletown, whose beginnings were noted in chapter four. Its government is vested in a board consisting of the governor and twelve trustees,[1] one from each county and four from the vicinity of the institution. They serve without compensation for terms of four years, six retiring biennially. They are appointed by the senate, though when the assembly is not in session, the governor may fill vacancies until the next regular session, and they hold office from the first day of July following their appointment.[2] The hospital has the power to sue in its own name for all debts or demands due it.[3] The trustees "have charge of the general interests of the institution, make and execute its by-laws, appoint and remove its officers and attendants, fix their compensation," supervise all expenditures, receive any property that may be given by bequest or gift, and purchase[4] lands in the name of the state. They appoint a superintendent, not of their own number, who must be a competent physician and reside in or near the hospital, and a treasurer, who receives a salary not exceeding $400 a year, and must give a bond to the state of $10,000. The trustees may authorize the superintendent to admit patients under special agreements when there are vacancies.[5]

At no time has the hospital been able to accommodate all

[1] 1887, c. 5, § 38.

[2] § 2774. This is the evident intent, though a curious typographical error crept into the revision of 1902. This authorized the governor to fill vacancies occurring while the general assembly *is* in session, the "not" having evidently dropped out.

[3] § 2773; 1889, c. 129, § 1. [4] 1889, c. 129, § 2.

[5] §§ 2775–2778; from 1866, c. 37, 1867, c. 102. *Vid.* p. 238.

the indigent and pauper insane. Its average population has increased from 225 in the year 1870,[1] the second full year of its existence, to 2,299 for the fiscal year 1903. Of the 2,322 patients, September 30, 1903, only 10 were supported at their own expense or at that of friends.

Early in the period the need of further accommodations was recognized, especially for chronic cases and those without proper care. A commission reported in 1877[2] that there were from 400 to 500 indigent insane outside of the state hospital and the Retreat in Hartford. There were 10 insane or imbecile inmates at Tariffville, whose presence there was declared to be "an outrage upon humanity, a disgrace to the civilization of the State." In the New Haven almshouse there were 54. "A few of these were lying upon loose hay, were without much clothing, and were in a very filthy condition." As a result of this report, steps were taken[3] to use the buildings in Mansfield, recently vacated by the soldiers' orphans' home. $5,000 was appropriated to purchase the property and $1,000 to furnish it for the care of the chronic insane, transferred from Middletown, who needed no special medical treatment. The total annual expense for salaries was not to exceed $4,000. It was made the duty of the governor and the trustees of the Middletown hospital "to transfer from said hospital to the hospital at Mansfield all cases of chronic insane paupers . . . considered incurable, or not needing special medical treatment." The towns were to pay for the support of their insane paupers thus transferred the same amount as before, while the state tax for each patient was to be $1 a week less.

The trustees appointed under this act did not purchase

[1] *Rep. Trustees General Hospital for the Insane*, 1870, p. 8.

[2] *Rep. Commission on State Charities*, 1877, pp. 18–21. [3] 1877, c. 147.

the property, because they found the appropriation entirely inadequate. The whole subject came before the committee on judiciary of the general assembly of 1878. A bill was referred to it which had been proposed by a commission to revise the pauper laws, appointed the preceding year. This bill retained the provisions of the act of 1877. Upon the recommendation of the judiciary committee, the project was abandoned. It was made to appear that the Mansfield property could not be adapted to the proposed use without a large expenditure, and that there were too few chronic insane paupers not requiring special medical treatment, to justify the state in establishing a custodial institution for them. They could be cared for more economically in the town almshouses or at Middletown. Hence, the act of 1878 [1] repealed those sections of the statute of 1877 which authorized transfers and the support of the inmates of the new institution. Instead, the assembly took steps to enlarge the hospital at Middletown. In spite of reports in 1891, 1893, and 1899 that further enlargement would be unwise, the state consistently followed this policy until 1903.

The report of 1899 stated that the town statistics showed 336 cases outside of asylums; the state hospital contained 120 more than could well be accommodated, the annual increase of the insane averaged 64, and it was unwise to enlarge the state hospital any further. The majority of the committee recommended that there be erected on a site offered to the state by Norwich a second hospital to accommodate at least 1,000. The minority report recommended instead changes in the Middletown hospital, and it was adopted. Four years later the assembly saw the need of more radical action and passed an act [2] creating a state

[1] 1878, c. 94, § 27.

[2] 1903, c. 179.

hospital to be known as the Norwich Hospital for the Insane, provided the town of Norwich would donate the necessary land according to its vote of October 10, 1898. The organization and government are almost identical with those of the Middletown hospital, just given. The trustees, however, hold office for six years, one-third of the board, instead of one-half, retiring biennially. The superintendent is to secure plans and personally have charge of the building. When one section is completed, it is to be opened for patients upon conditions prescribed by the trustees, preference being given to the most needy cases and to people of Connecticut. Because of his financial responsibility, the superintendent gives a bond for $5,000. A trustee may never be superintendent during or after his term. An appropriation of $100,000 was made for commencing the work. It was expected that the hospital would be opened about August 1, 1904.

The expense of supporting paupers and indigent persons in asylums is paid in part by the state. The price in the state institutions is fixed by their trustees, except that the total expense for Connecticut paupers [1] is limited to $3.50 a week and for those not resident in a Connecticut town,[2] and supported entirely by the state, to $3.[3] This must include "all necessary food, clothing, medicine and medical attendance." [4] Since 1895 [5] the town whose selectmen apply for the admission of a pauper [6] and the applicant for the admission of an indigent person pay $2 a week and the state pays the balance.[7]

[1] 1885, c. 75, § 2. [2] 1893, c. 241. [3] § 2779.

[4] § 2742; 1893, c. 27. [5] C. 180, § 1.

[6] Town of residence, 1875, 96, § 6; town legally chargeable, 1878, c. 103, § 1. Under the general law (§ 2476), the town applying for the admission of the pauper may recover from the town legally chargeable with his support.

[7] § 2742.

There has always been danger that the liability of the applicant in behalf of an indigent insane person, which dates from 1867,[1] would impose unjust burdens on him or lead to the neglect of such cases. An act of 1903 [2] remedied this in part. When a person is committed as an indigent and it appears, "upon application made to and hearing had by the probate court" committing him, that the one legally obligated to contribute for his support is unable to pay the amount, he is supported as if he had been committed as a pauper.

The comptroller taxes monthly [3] the excess of the board over the $2 thus provided. For indigent and pauper patients committed to private hospitals, the tax is one-half the expense, not exceeding $2 a week. For paupers belonging to no Connecticut town and committed by the governor, the tax is the amount, not exceeding $3 a week, at which the price is fixed by the trustees of the state hospitals or the managers of other institutions.[4]

By a statute of 1879, towns paid $2.50 a week for paupers and applicants one-half the expense for indigents. The expense was then $5 a week and this made the liability of the state the same for each. The cost of support gradually decreased until in 1895 it was $2.80. For indigents, towns were then liable for only one-half of this, $1.40, which was less than the cost of supporting a pauper elsewhere, while for paupers it paid $2.50. Consequently, the number of indigents was steadily increasing and that of paupers diminishing in the same proportion.[5] To prevent the towns from placing this additional burden upon the state, the act of 1895 [6] made the liability of the applicant in either case $2 a week, while the liability of the state, except for state paupers, is limited to the same sum, $2 a week.[7]

[1] C. 102, § 4. [2] C. 188. [3] From 1871, c. 154. *Vid.* p. 239.
[4] § 2779. [5] *Rep. Board of Charities*, 1895, pp. 22, 23.
[6] C. 180, § 1. [7] § 2779; *cf.* 1877, c. 154.

For two years, 1877-1879, the support of the indigent insane was placed upon the applicant and the town of residence,[1] or the town which would have been chargeable if he had been a pauper.[2] This was done upon the recommendation of a commission on state charities and insane poor,[3] which discovered that many persons were committed as indigent insane and pensioned on the state who were not entitled to charity, least of all to that of the state. It was thought that by placing the burden upon the towns, selectmen and judges would be more cautious. The result was unfortunate, and in 1879 [4] the state reassumed its responsibility.[5]

Instead of sending insane paupers to the state hospital, selectmen have authority to contract with the officers of the Retreat for the Insane in Hartford for their support.[6] This authority was first granted in 1841, when there was no other asylum, and is still used.

The almshouses have continued to care for insane paupers. To prevent this and also to keep the state hospital small, the state board in 1882 [7] recommended that the state hospital be used for acute cases only and chronic cases be cared for in county asylums, connected with or separated from almshouses. The experience of Wisconsin with asylums partially separated from almshouses was adduced in favor of the plan. It was claimed that there was greater progress in these than in large state hospitals and the cost was less than half. The suggestion was repeated in 1883 [8] but it was never followed.

A few insane are still found in the so-called state alms-

[1] 1877, c. 154, § 6. [2] 1878, c. 103, § 1.
[3] *Cf. Governor's Message* (transmitting this report), 1877, p. 5.
[4] C. 71, § 1. [5] From 1867, c. 102, § 4. *Vid.* p. 238. [6] § 1832.
[7] *Rep. Board of Charities*, 1882, p. 6. [8] *Ibid.*, 1883, p. 3.

house, where no proper care, much less any adequate treatment, can be given. Others are retained in almshouses. In 1900[1] the board reported 422 insane poor outside of asylums, in 1903, 298, the total insane in the state being 3,070. Many of those in almshouses are chronic cases returned from the state hospital to make room for acute cases needing immediate treatment;[2] but this is not true of all. Thus, the report for 1892[3] gave the results of a partial investigation. 26 of the 52 insane in the New Haven, 11 of the 18 in the Meriden, and 16 of the 26 in the Bridgeport almshouse had never been in the asylum. These paupers were well cared for, but of those in most towns this cannot be said.

Towns have been manufacturing incurable maniacs by sending cases to almshouses either to save expense and trouble or because there was no room in the state institution. Waterford illustrates how towns too often care for their insane paupers. In 1897 there were in the almshouse an insane man tied in a chair and an insane woman existing in a miserable room with cement floor, and no furnishings except a tick filled with straw. She could not care for herself decently or keep herself properly clothed.[4]

DECISIONS

The principal decisions of the courts regarding insanity may be summarized as follows:

Insanity cannot be proved by mere reputation,[5] though it must be proved largely by cumulative evidence, as there cannot be direct evidence.[6] The law permitting the tem-

[1] *Rep. Board of Charities*, 1900, p. 273.

[2] *Ibid.*, 1902, p. 53. [3] *Ibid.*, 1892, pp. 37, 38. [4] *Ibid.*, 1898, p. 259.

[5] 1880, State *v.* Hoyt, 47 *Conn.*, 518.

[6] 1876, Anderson *v.* State, 43 *Conn.*, 514.

porary restraint of a person alleged to be insane, pending proceedings, is no infringement of the constitutional right of personal liberty. As an inquest of insanity is a matter of police regulation, the "proceedings" are "pending" from the time the complaint is referred to the judge and not, as in an ordinary action at law, from the service of process upon the adverse party. Such order for detention is a part of the procedure and is not an adjudication which enters into the judgment or decree.[1]

In 1897 the supreme court decided a case involving the support of an insane pauper under the law before 1895, which placed the responsibility upon the town chargeable, though the town of residence secured the committal. It was held that an insane pauper found in a town resided there within the meaning of the statute (1888, section 487) but that the town was not necessarily chargeable with his support merely because the selectmen applied for his admission. An allegation that a town was legally chargeable for the support of a pauper was of no avail unless borne out by other averments of fact. Payment by a town to the state hospital for his support was in the nature of an implied admission of legal obligation to pay and therefore some evidence in a suit by the hospital for support subsequently furnished. Statements made in an application for the admission of a transient person to the state hospital were proper evidence against the town as tending to show in what town the pauper was when application was made. If there had been an admission that payments were made, the extent of the admission could not be confined on an appeal to the mere fixing of the date from which the demand in suit began to accrue, unless a request for such limitation had been made in the lower court.[2]

[1] 1898, Porter *v.* Rich *et al.*, 70 *Conn.*, 235.

[2] Connecticut Hospital for Insane *v.* Brookfield, 69 *Conn.*, 1.

CRIMINAL INSANE

Important changes have been made in the laws regarding the care of the criminal insane.

Since 1887,[1] if a person committed for trial to jail appears to be insane, the sheriff applies to a judge of the superior court. After a hearing, notice of which has been given to the state's attorney, the judge may appoint three physicians to examine into his mental condition. If they report him insane, the judge orders the sheriff to transfer him to the state hospital to be confined until the trial, the expense being taxed as a part of the costs in the prosecution.[2]

If a person is acquitted on a criminal charge on the ground of insanity, the court may order him confined in the state hospital for a specified time, unless [3] some one undertakes and gives bond to the state to confine him as the court orders. If he has any estate, the court appoints an overseer, who gives bond and has over his person and estate the powers of a conservator. If he has no estate, he is supported like an insane pauper.[4] If no town is liable, the expense [5] is borne by the state.[6]

The officers of the hospital [7] or the person [8] thus committed to it may petition the superior court of the county for his release. The petition is served upon the selectmen of the town to which he belongs, upon the person,[9] if any, upon whom the offense was charged to have been committed, and upon the state's attorney [10] of the county in which he was tried, who must appear and be heard on the application. The court may make such order regarding

[1] C. 1. [2] § 1472. [3] From 1860, c. 68. *Vid.* p. 243.
[4] 1881, c. 19. [5] 1870, c. 32, § 2.
[6] § 1473; from 1865, c. 12, § 1. *Vid.* p. 243. [7] 1882, c. 146.
[8] From 1865, c. 12, § 2. *Vid.* p. 244. [9] 1885, c. 30. [10] *Ibid.*

his disposal as it deems proper. If he cannot defray the expenses of the petition, they may be taxed [1] against the state.[2]

If a person thus confined for a specified term is upon its expiration still insane, the superintendent certifies the fact to the state's attorney where the trial was had, who thereupon procures from the court an order extending the time of commitment until recovery. The clerk transmits to the superintendent a new warrant of commitment. For such further confinement, the expense is paid out of the patient's estate, by the town of settlement, or, failing that, by the state.[3] He is not supported by state and town as a pauper.

If any one confined in a jail becomes or appears to be insane, the jailer reports the fact to the governor, who appoints a commission of not more than three experts who, after being sworn, proceed to the jail and examine the prisoner. If they report in writing that he is insane and the governor approves their finding, the governor orders the jailer or other proper officer to take him to the state hospital to be kept until his sentence expires or he recovers. Certified copies of the record of his commitment to jail and of the commission's report are taken to the hospital with him. If he recovers first, the superintendent reports to the governor. Another commission is appointed, and if they report that he is sane, the governor orders his return to the jail. Such commissions have power to examine witnesses under oath and their expenses, not exceeding $5 a day for each member, are paid by the state.[4]

[1] 1882, c. 146. [2] §§ 1474, 2780; from 1865, c. 12, § 2. *Vid.* p. 244.

[3] § 1475; 1887, c. 7.

[4] §§ 2782, 2783; from 1893, c. 46, § 1, which applied to insane inmates of jails [1] method of transfer used for insane convicts in prison (1868, *Pri.*

If the sentence expires before he recovers, the superintendent certifies the fact to the governor, who may order his detention until he is sane and send such order to the superintendent. The expense of his further confinement is paid like that of one acquitted of crime because of insanity, but, unlike such person, he need not have an overseer appointed to care for his estate. This is an unfortunate omission. When a person so confined recovers his reason, it is the duty of the superintendent to dismiss him.[1]

The trustees of the state hospital are required to provide for these insane convicts.[2]

Until 1897 insane convicts at the state prison were cared for in this same manner. By an act of that year,[3] new methods were prescribed, somewhat similar to those explained in chapter four. The governor appoints biennially, with the advice and consent of the senate,[4] a consulting physician of the prison, who is "skilled in the treatment of the insane." Unless removed by the governor for cause, he holds office for two years from July 1 and is paid monthly from the prison funds a salary of $200 a year. At least once a month and when requested by the directors, warden, prison physician, or governor, he visits the insane ward

Acts, pp. 422, 423; 1869, *idem*, pp. 260, 261). Until its repeal by 1899, c. 82, the former method was used. This permitted county commissioners to appoint a physician to examine a prisoner thought to be insane. On a certificate that he was, they notified the selectmen of his town, or if that could not be ascertained, of the town from which he was committed, to remove him to the state hospital for the remainder of his term, unless he sooner recovered. The state paid for his support (1887, c. 123, amending 1883, c. 56, and 1884, c. 52). The repeal of this law was recommended by the state board in the report for 1898 (p. 59).

[1] §§ 2784–2786; 1887, c. 8, by 1893, c. 46, § 2.

[2] § 2781; from 1868, *P. A.*, p. 422.

[3] 1897, c. 177.

[4] Repealed by 1897, c. 247, but restored by revision of 1902.

maintained at the prison, examines the condition and treatment of those confined there, and advises as to their care and treatment. If he decides that any one there has become sane, he reports the fact in writing to the warden, who removes the prisoner to the prison wards.[1]

If the prison physician thinks any male convict has become insane, he so certifies in writing to the warden, who removes him to the insane ward to be cared for until the expiration of his sentence, unless he sooner recovers.[2]

The reason the method of caring for insane convicts was changed in 1897 lay in the fact that as the discipline at the state hospital was less strict than that at the prison, convicts feigned insanity in order to secure a transfer, in the hope of escaping from custody while at the hospital. The result was that convicts were not transferred until their insanity became unmistakable. This deprived those who were really insane of the prompt treatment which is so essential to recovery. Under the present system, on the other hand, a convict is placed in the insane ward of the prison at the first intimation of derangement and receives at once adequate medical care.

The new method applied to insane female convicts until the revision of 1902. It was then changed and transfers to the state hospital were permitted once more in such cases. The women could not be cared for in the same ward with the insane men and there were not enough women in the prison to make necessary or expedient a separate insane ward for them. If the prison physician and the consulting physician certify in writing to the warden that a female con-

[1] §§ 2904, 2906.

[2] § 2905. The act of 1897 appropriated $36,000 for erecting the insane ward at the prison and $2,000 for furnishing it. The warden was directed upon its completion to transfer to it all insane convicts then in the state hospital (1897, c. 177, § 3).

vict has become insane, he reports the fact to the governor, who orders the warden or any proper officer to take her to the state hospital, together with a certified copy of the record of her commitment to prison, there to be kept until her sentence expires or she recovers. If she recovers first, the superintendent certifies the fact in writing to the governor, who orders the warden or other officer to return her to the prison. The provisions for her retention, if she is insane at the expiration of her sentence, for meeting the expense of support, and for her release when fully recovered, are the same as for those transferred to the hospital from jails.[1]

Whenever an insane or idiotic person is confined in the prison, the warden immediately reports his name and residence, if known, and also the date when he will be discharged, to the agent of the Connecticut Prison Association,[2] who receives the prisoner from the warden upon his release. If he is a legal charge upon any Connecticut town, the agent places him in the custody of the selectmen. If there is no such town and "it can be definitely and satisfactorily ascertained that he is a legal resident of any other state, . . . the agent . . . is authorized and di-

[1] §§ 2907–2909.

[2] The Connecticut Prison Association was organized December 8, 1876, and was incorporated under the laws of the state in January, 1879. Its purpose was declared to be to reform criminals, to assist prisoners in the work of self-reform, to aid discharged convicts, to co-operate in the repression of crime, and to promote reformatory systems of prison management. Of its annual expenditure of about $5,000, the state pays $3,000. The first appropriation was made in 1878 and was for $1,200. (*S. A.*, 1878, p. 154.) During the fiscal years 1902 and 1903 the association established the identity of 9 insane prisoners discharged from prison and placed them with relatives or the authorities of other states, under the provisions of § 2910. *Vid. Third Annual Rep. Conn. Prison Ass.*, 1879. *Third Biennial Rep. Conn. Prison Ass.*, 1904.

rected to return him to the authorities who are legally chargeable with his care." Otherwise, the comptroller, on the requisition of the secretary of the association indorsed by the prison warden, provides immediately upon his release such care as his condition demands. The state pays [1] the association $750 quarterly.[2]

The burden of proving insane a person charged with crime rests upon the accused. The state is not bound to show in the first instance that he was sane at the time. If insanity is claimed, the state may introduce evidence to show that the accused was sane; and if evidence has been admitted to show that a relative of the accused was insane, the state may cross-examine the witness to show that the insanity was not hereditary.[3]

5. CARE OF FEEBLE-MINDED

The state's care for imbeciles has developed along the lines laid down before 1875. The school at Lakeville has from time to time been enlarged and improved by state appropriations, the act often declaring that the acceptance of the grant created a first lien on the land and buildings, to be foreclosed by the state if they should ever be diverted from their present use.[4] It is still a private corporation but, by an amendment to its charter in 1887,[5] the governor annually appoints two members of the executive committee, who are *ex officio* members of the board of directors and guard the interests of the state.

As a result of the enlargements, the school can now accommodate 200 pupils, the number in attendance October 1, 1903, being 218. Of these, 52 were epileptic and the whole

[1] From 1893, c. 270. *Cf.* 1889, c. 55. [2] § 2910; 1884, c. 91.
[3] 1880, *ante*, 47 *Conn.*, 518; *cf.* 1878, *idem*, 46 *Conn.*, 330.
[4] *Cf. S. A.*, 1877, p. 111. [5] *S. A.*, pp. 733, 734.

number of state beneficiaries was 191. These were sent to the school under the provisions of an act of 1877.[1]

Whenever a pauper [2] or indigent imbecile child is found in any Connecticut town, who would be benefited by being sent to the Lakeville school, the selectmen apply to the probate court for such admission. If the court finds upon inquiry that the child is a proper subject for the school, it orders the selectmen to take the child to the school to be kept and supported there as long as the court deems proper. No child may thus be taken or committed to the school until the order of the court has been approved by the governor, and no child may be received at the school to be supported in any manner by the state without his approval. The state pays quarterly to the school $2.50 for each week a child committed by selectmen remains in the school. The difference between this amount and the actual cost of support, which averages about $100 a year, is paid by its parents or grandparents or, if the child is a pauper, by the town to which he belongs. The amount expended by the state for the fiscal year 1902 was nearly $21,000.[3]

There is call for a cottage department at Lakeville for the care of all epileptics in Connecticut who need specialized treatment. Present accommodations are inadequate for this work. Another need is that of some provision for those who have finished their term at Lakeville, and who in many cases are compelled to return to the almshouses or are neglected.[4]

Feeble-minded adults are found in the "state almshouse," in town almshouses, and in the state hospital for the insane. Idiotic convicts when discharged from prison are cared for like the insane.[5]

[1] C. 113. [2] 1885, c. 110, § 58.

[3] § 2787; *Rep. Board of Charities*, 1902, p. 123.

[4] *Rep. Board of Charities*, 1898, p. 62. [5] § 2910. *Vid. ante*, p. 378.

6. DEAF AND DUMB

For the education of the deaf and dumb, the state continues to use the admirable American School, at Hartford, for the Deaf,[1] and to a less extent the Mystic Oral School, formerly the Whipple Home School. In 1899 the committee on state receipts and expenditures recommended [2] that no more aid be given to the Mystic School, because it was overcrowded, the children were not healthy, and the results were less satisfactory than in the American School, which uses an eclectic system of instruction. The state board of charities has from time to time criticised the administration and methods of the school, but it is still used.

The governor is the agent of the state in contracting for the education of the deaf and dumb. The legislature of 1903 appropriated $55,000 for this purpose for the two years ending September 30, 1905.[3] The amount allowed for each pupil has gradually risen from $175 in 1875 to $250 in 1903.[4]

The governor chooses the state beneficiaries from the list of deaf and dumb that selectmen are required to return to him on or before November 1 of each year, stating the age, sex, and pecuniary circumstances of each.[5]

7. BLIND

Up to 1893 no change was made in the method of educating the blind. Selectmen made annual returns of the blind persons in their towns just as they did of the deaf and dumb. This is still the requirement.[6] The state made appropriations, which were expended by the governor for educating blind children in the Perkins Institution in

[1] Present title by *S. A.*, 1895, p. 145.
[2] *Op. cit.*, p. 26.
[3] *S. A.*, 1903, no. 207.
[4] *Ibid.*
[5] § 1831; from 1829, c. 24. *Vid.* p. 158.
[6] *Ibid.*

Boston. It was noticed, however, that many of these beneficiaries returned to their old surroundings and, without direction or opportunity to adopt an industry, lapsed into their former helpless condition, while others lost their eyesight after they were eighteen and were therefore not permitted to enter the Perkins Institution.[1] For this reason, a law was passed in 1893, which aimed to secure an education for every blind child resident in Connecticut.

This act [2] created the board of education for the blind. It consists of the governor and the chief justice of the supreme court as permanent members and of one man and one woman, who are residents of Connecticut and are appointed by the governor for four years from July 1, one retiring biennially. The governor may remove these and appoint others for reasonable cause. The chief justice may appoint in his stead for two years any judge or ex-judge of the supreme or superior court.[3] Until 1901 [4] one of the appointed members had to be a blind person. The board meets annually at the capitol on the first Monday of July and may meet at any time at the call of the secretary, who must call a meeting at the request of two members. The governor or, in his absence, the judicial member, is chairman. The board adopts rules for its action and for determining who shall "receive its benefits." [5]

The board appoints a secretary, who acts as treasurer and holds office during its pleasure, and prescribes his duties and salary. No member receives any compensation except a moderate allowance for time actually spent in performing special services at the request of the board. "The actual and necessary expenses of the members and of the secretary" are paid by the comptroller. The secretary's

[1] *Vid. Rep. Board of Charities*, 1895, p. 56. [2] 1893, c. 156.
[3] § 2286. [4] C. 164. [5] § 2287.

salary is paid monthly and all other bills at the end of the year, upon the certificate of the governor of the amount, after "a certified statement of . . . expenses and of the amount paid for the salary of the secretary and as compensation for special services of the members" has been filed with the comptroller within one month after the close of the year. "The tuition and other expenses of the beneficiaries" are paid quarterly upon the certificate of the governor or judicial member as to the amount, "accompanied with a detailed statement of the items." No expense [1] may be incurred except on the affirmative vote of three members.[2]

By a like vote,[3] the board may provide for the education, for so long a time as it deems expedient, of "blind persons, or persons so nearly blind that they cannot have instruction in the public schools, who are of suitable age and capacity for instruction in the simple branches of education and who are legal residents" of the state. The expense for each pupil may not exceed $300 a year except that where parents are unable to provide for clothing and transportation, an additional $30 may be allowed for these.[4] The board may contract for such education with any institution having proper facilities. It may compel the attendance there of any minor blind child. If his parents or guardians do not assent, a member of the board applies to the judge of probate where the child resides, who, after reasonable notice to the parents or guardians, inquires into the facts. If he finds the child is too blind to attend the public schools, he may place him in the custody of the board until further order, and this gives to it all the rights of a parent.[5]

In 1895 [6] a law was passed in aid of the Connecticut In-

[1] 1895, c. 319, § 3. [2] §§ 2288, 2289. [3] 1895, c. 319, § 3.
[4] § 2285. [5] §§ 2290, 2291. [6] C. 303.

stitute and Industrial Home for the Blind, started in 1893. The board has had a controlling interest in it from the beginning.[1] This act permitted the board, by a unanimous vote of all its members, to expend $15,000 in providing such buildings, furniture, machinery, tools, implements, and apparatus for the use of the institute as it needed successfully to carry out the rules of the board for the instruction of the blind. These payments were to create a lien on the property, as in the case of the school at Lakeville. The institution was given authority to receive, hold, invest, and employ any property which might come to it, subject to such limitations as the general assembly might from time to time impose. Its property was exempted from taxation and it was authorized to sell in any part of the state without a license any goods manufactured in whole or in part by it, in furtherance of its purpose to instruct the blind.[2]

From the beginning the management of the institute was severely criticised by the state board of charities. They condemned the policy pursued for several years of maintaining a concert company, which raised funds for the institute but which took the pupils away for so much of the time as to prevent them from gaining the power of self-support.[3] In 1899 the committee on state receipts and expenditures recommended [4] a continuance of the kindergarten department, which prepared children for entrance to the Perkins Institution, but advised that the industrial home be abolished because of the expense of its management and the meagreness of the results. Several attempts have been made to remove the institute from the supervision of the board of charities, leaving it simply under the board of education, but so far without success. Though the allow-

[1] *Rep. Board of Charities*, 1895, p. 57.
[2] §§ 2292, 2293.
[3] *Rep. Board of Charities*, 1896, pp. 59, 60.
[4] *Op. cit.*, p. 29.

ance for the education of the blind has been much larger than that for the deaf or imbecile, the institute has not lived within its income. This has increased the dissatisfaction. As a result of the agitation, it was voted in 1899 that $15,000 be given to the institute to pay its debt, on condition that the concert company be used only within the state, and that the president devote all his time to the home development of the institution.[1]

Another act limited the time during which adults might be instructed. It had been discovered that several young men had been in the institute for from four to five years, and were even then, as the state board of charities expressed it, "in no immediate danger of graduation."[2] The new law[3] did two things: it forbade any wholly or partially blind male over eighteen to be supported by the state in the industrial department of any institution for more than three years, during which time he was to be given practical and uninterrupted instruction in a useful occupation conducive to his future self-support. Second, at the termination of this period, the state board for the education of the blind might, under such conditions as they deemed necessary, provide him with machinery, tools, and materials to an amount not exceeding $200, taken from the biennial appropriation for the education of the blind, to establish him in some useful occupation conducive to self-support.[4] By an act of 1903[5] this aid may be given to any blind person, a legal resident of the state, who has been its beneficiary in an industrial institution for the blind. To secure such assistance, he must make written application to the board, accompanied by a statement signed by not less than twelve reputable citizens of his town, that he "is indus-

[1] *Rep. Board of Charities*, 1900, p. 34.
[2] *Ibid.*
[3] 1899, c. 218.
[4] §§ 2294, 2295.
[5] C. 62.

trious, of good habits, and capable of carrying on in a competent manner a trade." "Every article so provided for such blind person and the income from the labor obtained thereby" is exempt from attachment.

The present policy of the state is to use the kindergarten of the institute to fit children for the Perkins Institution, where they are sent at the proper age and are retained as long as the state board thinks best, and to use the industrial department of the institute and the grants of material and machinery to make those over eighteen self-supporting.[1] At the last visit to the institute in 1902, the state board of charities found 17 state pupils, 6 pupils otherwise supported, and 21 employees, of whom 7 were blind.[2] In its report for 1902[3] the board commended to consideration the English custom of giving pensions to deserving blind persons in their homes, and providing instruction and industrial training in day-schools, work-rooms, or sometimes in their homes, without expecting many to become fully self-supporting.

In addition to securing for them education, the state aids the blind by forbidding local authorities to require of any blind resident of Connecticut a license fee for selling goods manufactured by him with his own hands.[4] It also exempts "the property to the amount of three thousand dollars of any person, who, by reason of blindness, is unable by his labor to support himself and family." By an act of 1899,[5] this exemption must first be made in the town of residence. If exemption is asked in another town, the person must make oath before or send an affidavit to the assessors that the exemption asked, if allowed, will not, together with

[1] *Cf. Rep. Board of Charities*, 1900, p. 118.
[2] *Ibid.*, 1902, p. 132.
[3] *Ibid.*, p. 57.
[4] § 4650; 1878, c. 56.
[5] C. 9.

other exemptions already granted, exceed $3,000. The assessors [1] annually make and file in the town clerk's office a certified list of those entitled to such exemption. The list is *prima facie* evidence that they are so entitled during their residence there, but the assessors may at any time require them to appear and furnish additional evidence.[2]

8. PENSION LAWS

Since 1875 there has been a great mass of legislation which may be classed under the general head of pension laws.

The real Connecticut pension law reads:

> Every officer or soldier wounded or disabled, and the widow and children of every officer or soldier killed while in the active service of the state, shall be suitably provided for by the general assembly.[3]

The grants made since 1875 vary in amount from $8 to $30 a month, the usual pension being about $24.[4] Occasionally a lump sum is granted in addition. Thus, the latest pension, granted in 1903,[5] ordered the payment of $500 and a monthly allowance of $24 until the sitting of the next assembly to a soldier who had contracted pulmonary tuberculosis in the service of the state.

Veterans are partially exempted from taxation. All "who served in the army or navy of the United States and were honorably discharged therefrom, or were dis-

[1] Board of relief before revision of 1902.

[2] §§ 2315, 2316; from 1867, c. 143. *Vid.*, p. 249. The last two clauses date from 1889, c. 71, but until the revision of 1902 they applied only to pensioners, *etc.*

[3] § 3052; from 1821. *Vid.*, p. 162.

[4] *S. A.*, 1897, p. 1032; 1889, p. 832. [5] *S. A.*, no. 322.

charged on account of wounds or sickness incurred in such service and in the line of duty, or on account of the expiration of their term of service," are exempt from the poll-tax.[1]

Exemption from taxation is granted to

the property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service[2] of the United States in time of war, and received an honorable discharge therefrom; or, lacking[3] such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and . . . of the widow resident in this state, or, if[4] there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died, either during his term of service, or after receiving honorable discharge from said service; and . . . of pensioned widows, fathers,[5] and mothers, resident in this state, of soldiers, sailors and marines, who served in the army, navy, or marine corps, or revenue marine service of the United States."

Any pensioner[6] of the United States who, while in service, lost a leg or arm or suffered disabilities equivalent thereto, according to the rules of the pension office, is entitled to an exemption from taxation on property to the value of $3,000.[7] These exemptions are granted in the way described for the blind.

Pension moneys received from the United States are

[1] § 2314; from 1869, c. 6. Until the revision of 1902 this was granted only to veterans of the Civil War who had served for a specified time. *Cf.* 1888, § 3819.

[2] 1893, c. 109.

[3] 1895, c. 200; *cf.* 1887, c. 104.

[4] 1889, c. 71.

[5] *Ibid.*

[6] 1881, c. 85.

[7] § 2315; from 1871, c. 126.

exempt from warrant and execution while in the hands of the pensioners.[1]

Since 1895[2] veterans of the Civil War have been exempt from peddlers' licenses. One who claims such exemption must produce for inspection his discharge, or a certificate of honorable discharge, upon the demand of any proper officer where he may be selling goods, or he is not entitled to this exemption. Any one who falsely represents himself to be a veteran in order to secure this privilege may be fined not more than $7.[3]

In 1889[4] honorably discharged Union soldiers and sailors were given preferment for appointment in the public departments and upon the public work of the state. Age, loss of limb, or other physical impairment which does not incapacitate them, is no disqualification if they have the other requisite qualifications.[5]

In 1901[6] an act was passed prohibiting the discharge of any veteran of the Civil War who is janitor, engineer, or fireman in a public building owned by state or county, except for incompetency or misconduct shown, or the reduction of his compensation, except for cause shown, and after a hearing of which he has due notice. If either is done, he may appeal to the superior court, giving bond to pay all costs if the appeal is not sustained. Such a case is privileged in the order of trial and must "be tried to the court." Costs are allowed the prevailing party as in civil actions. If the appeal is sustained, the appellant must be reinstated on the same terms as before, with full pay from the date of his removal.[7]

[1] § 907, from 1870 (?). *Vid.*, p. 251. [2] C. 167. [3] § 4668.
[4] C. 124. [5] § 2876. [6] C. 35. [7] §§ 2877, 2878.

BURIAL OF VETERANS

Provision is made for suitably burying veterans and marking their graves. When any person who served in the army, navy, or marine corps of the United States in the Civil War,[1] or in the Spanish-American war,[2] or has been in the service of the nation at home or abroad since April 21, 1898,[3] and was honorably discharged therefrom,[4] dies or has heretofore died,[5] being at the time of death a legal resident of Connecticut,[6] or one whose service was credited to the state,[7] and has no estate sufficient to pay the expense of his burial,[8] the state pays $35 [9] towards [10] his funeral expenses. The burial must be in some cemetery or plot not used exclusively for the pauper dead.[11] The grant may be made for those otherwise entitled thereto who are buried outside the state.[12] The selectmen [13] or board of public charities [14] of the town in which such deceased resided or died or is buried, if he died without the state, are required to pay the funeral expenses.[15] Upon satisfactory proof by them within six months of the death,[16] or within six months of the arrival of the body of such person in the United States for interment,[17] to the acting quartermaster-general of his identity, the time and place of his death and burial, and the insufficiency of his estate, and the approval thereof by the acting quartermaster-general,[18] the comptroller pays $35 to the selectmen [19] or

[1] 1882, c. 89, § 1. [2] 1899, c. 179, § 1. [3] 1901, c. 60, § 1.
[4] 1882, c. 89, § 1. [5] 1897, c. 139, § 1. [6] 1883, c. 91, § 1.
[7] 1889, c. 24, § 1. [8] 1883, c. 91, § 1. [9] 1882, c. 89, § 1.
[10] 1893, c. 17, § 1. [11] 1882, c. 89, § 2. [12] 1901, c. 60, § 1.
[13] 1883, c. 91, § 2. [14] 1899, c. 179, § 2. [15] 1883, c. 91, § 2.
[16] 1889, c. 24, § 2. [17] 1901, c. 60, § 2. [18] 1883, c. 91, § 2.
[19] 1893, c. 17, § 2.

board of relief which made the application.[1] The soldiers' hospital board may bury, not in pauper ground, any one on their rolls and be reimbursed therefor in the same manner as selectmen.[2]

If the comptroller pays for the burial of a deceased soldier or sailor and it afterwards appears that he left estate, the comptroller presents a claim in behalf of the state for the sum so paid. This constitutes a preferred claim against the estate and is paid to the state treasurer. The comptroller may apply for administration upon the estate if no other person authorized by law makes such application within sixty days from date of payment.[3]

When the grave in a Connecticut town of a deceased veteran, who belonged to the classes just given, is unmarked by a suitable headstone or is marked by the bronze marker formerly erected by the state[4] or the marker furnished by the United States government,[4] the acting quartermaster-general, upon proper application, causes to be erected a headstone of material and design approved by the governor, marked with the name, the date of death, and the age of the deceased, if such information is furnished, and with the name of the organization to which he belonged. The expense, not exceeding $16,[5] is paid by the comptroller.[6] Monuments may be erected for those buried in the state plot in Spring Grove Cemetery, Darien, the proof being furnished by the soldiers' hospital board.[7]

The acting quartermaster-general erects a marker or

[1] §§ 2880, 2881. The first law (1882, c. 89) limited the liability of the state to deceased veterans whose relatives or friends could not or would not bury them. 1883, c. 91, is the basis of the present statute.

[2] § 2883; 1901, c. 60, § 4.

[3] § 2885; 1895, c. 99.

[4] 1897, c. 147.

[5] $15 before 1899, c. 192.

[6] § 2882; from 1882, c. 89, §§ 2, 3; 1883, c. 91, § 3; 1901, c. 60, § 3.

[7] § 2884; 1901, c. 60, § 5.

headstone also for any one who served in the United States army, navy, or marine corps in the Civil War, the Spanish-American war, or in the military or naval service since April 21, 1898, was credited to Connecticut, died of disease or wounds during said wars or service, or was killed in action, or died in prison, or was lost at sea, and whose body was never brought home, or who was reported missing in action and has not been heard from. This is done upon application, with satisfactory proof, by the selectmen or board of public charities of the town of the deceased's residence, as to his identity and honorable service. It is erected in some cemetery or public place in the town at a cost to the state of not more than $16, and bears his name, his organization, the place of his death or burial, or when he was reported missing in action, or was lost at sea.[1]

If a town has several such former residents to whose memory no marker or headstone has been erected, and the selectmen or board of public charities prefer a memorial containing the names of all, it may be erected. The design, material, and cost are subject to the approval of the governor and acting quartermaster-general. If a town, organization, or individual contributes to the memorial, its location is determined by the governor, acting quartermaster-general and two persons appointed by the town, organization, or contributors.[2]

The comptroller draws on the treasurer from the funds appropriated for the burial of deceased soldiers and sailors.[3]

A fine of $50 is imposed upon any cemetery association which in any way prohibits the erection of stones at the grave of any soldier, sailor, or marine buried in such cemetery.[4]

[1] § 2886; 1893, c. 163, § 1. *Cf.* 1887, c. 77, for headstones for those lost or buried at sea.

[2] § 2887; 1893, c. 163, § 2.

[3] § 2888; 1897, c. 147, § 2.

[4] § 4462; 1887, c. 29.

RELIEF OF VETERANS

Since the revision of 1875, some seventeen laws have been passed for the relief of needy veterans of the Civil War and their families. The earliest of these, enacted in 1877,[1] empowered the governor to pay $5 a week for a discharged soldier in the Hartford hospital, the hospital of the General Hospital Society, or in any other institution approved by him. The beneficiary had to have belonged to the quota from Connecticut, to be a resident of the state, and in need of medical or surgical treatment on account of wounds received in the Civil War, or of sickness or disability contracted in the service, by which he was wholly or partially disabled. The governor might employ competent surgeons, not connected with the institutions, to examine those thus admitted and drawing state aid and to make monthly reports to him, at an expense of not more than $400 a year. No soldier discharged thereafter from one hospital was to be admitted to any other hospital or institution for surgical or medical treatment.

In 1878[2] the soldiers' hospital board was created and the whole matter placed in their hands. This board consists of the governor, the adjutant-general, the surgeon-general, and, since 1886,[3] of "three honorably discharged veteran soldiers, residents of this state, . . . nominated by the commander of the department of Connecticut, grand army of the republic, and confirmed by the governor." They hold office for the two years succeeding their appointment.[4]

The board have "sole power to admit to or discharge any soldier, sailor, or marine from any hospital or home" in the state. They make rules and regulations for his ad-

[1] *S. A.*, pp. 112, 113. [2] C. 133, § 3. [3] C. 21. [4] § 2873.

mission to and government in such institutions,[1] appoint agents to see that they are enforced,[2] and fix the sum to be paid for medical care and support.[3] Upon application, they furnish transportation from the veteran's home to the institution to which they have admitted him.[4] They investigate complaints regarding the conduct or treatment of veterans in homes and hospitals, with power to subpœna witnesses and examine them under oath. If they find that any such veteran has not received proper care or has been ill-treated or abused by any officer or employee, they certify the fact to the proper officers of the institution in question and to the state treasurer, at the same time causing the offender to be prosecuted. Thereupon, all appropriations are withheld until the board certifies to the treasurer that the offender has been dismissed or satisfactory action taken. The same penalty is visited upon an institution if it refuses to receive a person who has been admitted by the board or discharges one without their approval. If the board find no adequate grounds for complaints, they certify the fact to the proper officer of the institution.[5]

The board may require applications for admission to any institution to be made under oath and may require affidavits as to residence, property, and means of support. Any false swearing is perjury.[6] They may also fix the sum to be paid by an applicant whom they decide to admit to a hospital or to Fitch's home for soldiers, and who, they judge, is able to pay for all or a part of his support.[7]

The governor, who is president of the board,[8] has authority to appoint one or more policemen for duty at Fitch's

[1] § 2873; 1878, c. 133. § 3.
[2] 2873; 1887, c. 69.
[3] § 2873; 1878, c. 133, § 3.
[4] § 2871; 1889, c. 146, § 3.
[5] § 2873; 1886, c. 21, § 1.
[6] § 2873; 1895, c. 64.
[7] § 2874; 1897, c. 204.
[8] § 2874; 1886, c. 21, § 2.

home, with the powers of railroad and steamboat police.[1] The board may elect other officers [2] and committees from among its members and make necessary rules and regulations for the transaction of business,[2] "for preserving order, enforcing discipline, and for preserving the health, and insuring the comfort of the inmates of Fitch's home for soldiers, and for the discharge of inmates from said home or the hospitals." [3]

Under the direction of the board, "all honorably discharged soldiers, sailors, and marines, who served in the union army or navy in the late civil war, in the Connecticut regiments or naval quota," [4] and all union veterans "who at the time of enlistment . . . were residents of this state, and are such residents when applying for aid [5] . . . , and from disease or wounds, may need medical care and treatment," are entitled to receive it at the expense of the state,[6] at Fitch's home for soldiers at Darien,[7] the Connecticut hospital for the insane,[8] or at any incorporated hospital [9] in the state.[10]

All such veterans who are dipsomaniacs or so addicted to the use of narcotics and stimulants as to have lost the power of self-control, and who are unable to bear the expense of treatment, are entitled to receive it under the direction of the board, at a place and under conditions prescribed by it. The board may not spend for this purpose more than $2,000 a year and may grant or refuse applications.[11]

[1] § 2873; 1887, c. 69. [2] From 1886, c. 21, § 2.
[3] § 2874; 1897, c. 204. [4] 1878, c. 133, § 1. [5] 1884, c. 97, § 2.
[6] 1878, c. 133, § 1, § 1. [7] 1882, c. 84.
[8] 1882, c. 111. [9] 1889, c. 223.
[10] § 2867; 1878, c. 133, § 1, specified only the Hartford and New Haven hospitals.
[11] § 2868; 1893, c. 144.

If such veterans are from wounds or disease unable to earn a livelihood or are insane,[1] and have no adequate means of support, they are entitled to a home in the institutions named above, and to necessary food, clothing, and medical treatment.[2]

Any inmate of Fitch's home who becomes insane may be committed to the state hospital by the soldiers' hospital board, upon the certificate of the surgeon of the home and one other practicing physician, given after examination, that he is insane. He must be received upon the presentation of the certificate and the order of the hospital board.[3]

Veterans who were in the volunteer army of the Civil War in regiments of other states or in the navy in the quota from other states and who have resided in Connecticut for five years continually before making application, and are unable from wounds or disease to earn a livelihood, and have no adequate means of support, or have become insane, may be admitted by the board to Fitch's home or the state insane hospital, but not to any other institution.[4]

If a veteran admitted by the board to any institution has a wife or children under sixteen years of age, who are without adequate means of support, the board may, if it deems the circumstances warrant it, authorize the local authorities having charge of the poor in the city or town where the veteran belongs, to expend for the support of the family not more than $2 a week for the support of each member, while the veteran is in the institution. The board draws quarterly on the comptroller for the amount

[1] 1882, c. 111, § 2.

[2] § 2869; from 1878, c. 133, § 2. Until 1884, c. 97, § 2, only hospitals were named as homes.

[3] § 2875; 1897, c. 148.

[4] § 2872; 1895, c. 250.

necessary to reimburse the local authorities. No person thus aided may be supported in an almshouse. The board may employ, at the expense of the state, such agents and clerical assistance as may be necessary to carry out these provisions.[1]

In 1903 [2] an act was passed for the relief of veterans in their own homes. It appropriated $10,000 to be expended at the discretion of the soldiers' hospital board before September 30, 1905, to aid honorably discharged soldiers, sailors, and marines of the Civil War. They must be of good character and habits, residents of Connecticut, and eligible for admission to Fitch's home. They must be married and be living with their wives, be proved to be unable, by reason of age or disability, not the result of bad habits, to support themselves and their wives, and be without adequate means of support. Aid may also be granted to the widows of such veterans, who were married before June 27, 1890, and are in the same condition; provided that at the time of decease their husbands were residents of Connecticut and eligible for admission to the home, that the wives were then residents of Connecticut, living with their husbands or absent by consent or for legal cause, and that they continue to live in Connecticut while receiving aid. No grant may be given to a veteran unless he was married before January 1, 1880, and has lived continuously with his wife since their marriage to the date of his application, absence because of illness, occupation, or residence in a soldiers' home excepted, and continues to live with and support his wife while the aid is granted. By unanimous vote of all its members, the board may also help veterans who were married between January 1, 1880, and January 1, 1890. The board has authority to

[1] §§ 2870, 2871; 1889, c. 146, §§ 1, 2, 4. [2] *S. A.*, no. 367.

fix the duration, amount, and character of the aid, except that it may not exceed $6 a week. The board may make rules and regulations, prescribe the form of application, require the applicant to be sworn and the statements of witnesses to be verified by oath, and may appoint committees, officers, and agents properly to transact the business, define their powers and duties, and fix and pay their compensation.

The whole question of the relief of married veterans, and their wives or widows, was discussed at the state encampment of the Grand Army of the Republic held in May, 1904. For years certain veterans and members of the Woman's Relief Corps have earnestly advocated a dormitory system connected with Fitch's Home, to give home and care to married couples and widows. The encampment, however, refused at present to advocate this plan, contenting itself with directing the committee on legislation to prepare bills increasing the appropriation for aid to veterans in their homes to $20,000 a year, and empowering the soldiers' hospital board to furnish complete support to those whose age or infirmities called for it, and to secure the buildings, nurses, and physicians necessary to care for those unable to provide for themselves.

During the quarter ending June 30, 1904, the soldiers' hospital board expended, under the act of 1903, $1,415.58, of which $27.90 was for expenses of administration. The remainder, $1,387.68, was used for relief. There were 77 of these vouchers, 43 calling for exactly or approximately $13 each, 14 for $19.50, 17 for $26, 1 for $30, and 2 for $39. These last two were for the same individual, one voucher being for cash. Of the remaining vouchers, the payments were all for general supplies, chiefly groceries and provisions, furnished by local dealers, except that one was for rent and one for coal.

During the same period, the board spent of its general

appropriation of $192,000 for the fiscal years 1904 and 1905, $26,275.49, as follows:

Current expenses	$2,797.05
Subsistence	9,562.32
Clothing	546.14
Household expenses	5,251.86
Hospital	4,465.84
Transportation	411.50
Farm	1,212.60
Repairs	2,028.18

The institution which the board makes large use of is Fitch's Home for Soldiers and the Soldiers' Hospital of Connecticut, at Noroton Heights, Darien. Its incorporation and early history were given in the previous chapter. In 1887 the home was taken over by the state and since then has been conducted under state and national auspices.[1] Every ten days the superintendent reports to the United States government. Bi-weekly visits are made by the executive committee of the soldiers' hospital board. It is regularly inspected by a member of the board of managers of the national home for disabled volunteer soldiers and is formally visited by members of the Grand Army. The Woman's Relief Corps appoints monthly visitors.[2]

On June 30, 1903, there were 526 on the rolls, of whom 454 were pensioners of the national government. The average population for the year was 522, the average cost per inmate being $204.49, of which the national government paid $100. The remainder, paid by the state, amounted to $100,000 for the fiscal year 1903. There were also 29 in the state insane hospital. The pension money received is made over to the hospital board and used for the pensioners or for their dependent relatives or

[1] *Rep. Board of Charities*, 1902, p. 166. [2] *Ibid.*, p. 168.

friends. In 1903 [1] the hospital board was empowered to expend not more than $1,000 annually for religious services in the home.

In addition to these general laws, the assembly in 1899 [2] granted to the quartermaster-general $10,000 to pay the expenses due to the sickness of Connecticut volunteers in the Spanish-American war. The accounts were to be submitted to the quartermaster-general and surgeon-general and be approved by the governor.

SOLDIERS' ORPHANS

The laws regarding aid to soldiers' orphans have not been changed since 1875. The state grants $1.50 [3] a week for each child under fourteen, not in an almshouse and without adequate means of support, whose father served as a Connecticut soldier or enlisted in the navy from Connecticut in the Civil War and died by reason of wounds received or disease contracted in the service. The selectmen of towns and the treasurers of the New Haven and Hartford orphan asylums, Fitch's home for soldiers,[4] and the Connecticut soldiers' orphans' home,[5] make quarterly returns to the comptroller of the names and ages of all such children resident in their towns or institutions, with the name of the father, the organization to which he belonged, and the place and date of his death. They must certify that all the children named are entitled to the bounty and are without adequate means of support. The certificates must be signed and be verified by affidavits. Reports must be made from time to time of the changes which occur by the death of children or their arrival at the age of fourteen.[6]

[1] C. 76. [2] *S. A.*, pp. 553, 554.
[3] From 1868, c. 36. *Vid.*, p. 253. [4] No longer receives children.
[5] Closed in 1875. [6] §§ 2889, 2890; from 1866, c. 59. *Vid.* p. 252.

Within the first ten days of each quarter, the comptroller draws his order on the treasurer for the sums due the treasurers of the towns and institutions. Upon receiving these sums, the treasurers of the towns at once pay the proportion of each child to his legal guardian or actual custodian, unless the selectmen apprehend that an improper use will be made of it. In that case they may direct to whom it shall be paid.[1]

Any town officer who appropriates or unnecessarily detains such sums pays treble damages to the aggrieved party, while a selectman who wilfully neglects or refuses to comply with the law is fined $200. A fine of not more than $50 or imprisonment for not more than two months is prescribed for making false statements to treasurers or selectmen in order to obtain for any child such allowance.[2]

Naturally, the amount expended for this purpose is gradually diminishing. For the fiscal year 1903 the sum was $1,398.25.

In 1883 the supreme court stated that the selectmen were agents of the state for the distribution of the bounty for soldiers' orphans. For any neglect to pay over these sums, they were personally liable, while the towns were not. The suit to recover, however, was dismissed on other grounds, the court holding that for several reasons the plaintiff had not established his claim for the bounty alleged to have been kept by the selectmen.[3]

9. PROTECTION OF MINORS

Since 1875 the care and protection of minors have called for over a hundred acts. While in general these have followed the lines previously laid down, there have been two

[1] §§ 2891, 2892; from 1866, c. 59. [2] §§ 2893–2895; from 1866, c. 59.
[3] Hartwell *v.* New Milford, 50 *Conn.*, 523.

new lines of development, one of which is a radical departure from Connecticut precedents. These two classes of laws concern the supervision of homes for infants and the establishment of county temporary homes for children.

The first act regarding the boarding of infants was passed in 1883.[1] As revised in 1887,[2] the law reads:

> Every person who shall make a business of taking children under ten [3] years of age, other than members of such person's family, to entertain or board, in any number exceeding two in the same house at the same time, shall within three days after the reception, removal, or death of any such child give written notice to the selectmen of the town within which such house is situated, specifying the name and age of such child, the place of residence of the parties so undertaking its care, and the birthplace and parentage of the child if known.

The selectmen "or some proper person appointed by them" must visit and inspect such premises at least once each month and within a week thereafter make a written report, which is kept on file in the office of the registrar [4] of vital statistics, and must state "the number of such children in said house, the number received and removed since the last visit, the number of deaths and the causes thereof, and the condition of the premises and of the children." [5]

Such premises must be open to inspection at all hours during the day and before nine o'clock in the evening to any officer or agent of the state board of health,[6] the state

[1] C. 103. [2] C. 73. [3] 3 years in 1883, c. 103.

[4] 1903, c. 22. By § 1855 of the general statutes (1886, c. 31) each town clerk is *ex officio* registrar of births, marriages, and deaths, except where such registrar is elected under a special law.

[5] §§ 2553, 2554.

[6] Composed of six members appointed by the governor, with the ad-

board of charities, or of the Connecticut Humane Society,[1] provided the visit is made in company with a selectman of the town, or with some other proper person appointed by them, by the court of probate, or the judge of the local or district court having jurisdiction over children committed to a county temporary home. "Such authorized visitors may direct and enforce such suitable measures respecting such children and premises as they may deem proper." Any one who violates these provisions or refuses admission to authorized visitors may be fined not more than $500, or be imprisoned not more than one year, or both.[2]

In their report of 1895 [3] the state board of charities described two such homes. One of them had been used as a refuge for unfortunate girls expecting confinement until the selectmen stopped it. The home was then being used for the boarding of small children, though the place and its managers were unfit for such work. The records were very imperfect. The other home was still used as a lying-in hospital for unfortunate girls and as a home for illegitimate children. All cases were admitted and they came from all over Connecticut and from Massachusetts. The premises were out of repair and little attention was paid to neatness and good order.

At the next session of the legislature, additional legislation was passed. The statute [4] requires any person who keeps a maternity hospital or lying-in place to secure a license from the mayor or board of health of the city or from the health officer of the town within which it is

vice and consent of the senate, for terms of six years, and of a secretary chosen by them. The six members must include three physicians and one lawyer. § 2502 *et seq.*

[1] *Cf. post.*

[2] §§ 2555, 2556.

[3] *Rep. Board of Charities*, 1895, p. 252 *et seq.*

[4] 1895, c. 102.

located. Within six hours after the departure, removal, or withdrawal of any child born on the premises, the keeper is required to make a record of the fact, together with the names and residence of those who took the child, and what disposition was made of the child or of its body, and the place where it was taken and left. Such record must be produced by the keeper or licensee on the demand of any one authorized to make an inspection by the licensing authority. Every such person must be admitted and be permitted to make a full inspection for the purpose of detecting any improper treatment of any child, or any improper management or conduct in the place or its appurtenances. He may remove any article which he thinks presents evidence of any crime being committed therein and deliver it to the coroner to be disposed of according to law. Violations of this law are punished as in the case of boarding places for infants, except that the fine must not be less than $50.[1]

COUNTY TEMPORARY HOMES

In 1875 there was no public provision for children who could not or ought not to remain in their homes, except almshouses and the industrial and reform schools, which were primarily intended for incipient criminals. In 1882 [2] a commission was appointed to inquire into the condition and number of neglected, abused, or dependent children who were or should be under the care of state or town or who deserved different care from what they were receiving, and to report to the next general assembly. As a result, an important law [3] was passed for the establishment of county temporary homes for dependent children. They were to be opened not later than January 1, 1884, and

[1] § 4670. [2] *S. A.*, p. 618. [3] 1883, c. 126.

after that date no children were to be retained in almshouses unless they did not come within the scope of the law.[1] The state paid not more than $1,000 to assist each county in establishing and maintaining its homes.[2] With many amendments this act is still in force.

The purpose of the law is to protect children between the ages of 4[3] and 18[4] years of age who fall within the following classes:

> waifs, strays, children in charge of overseers of the poor, children of prisoners, drunkards, or paupers, and others committed to hospitals, almshouses, or workhouses, and all children within said ages, deserted, neglected, cruelly treated, or dependent, or[5] living in any disorderly house, or house reputed to be a house of ill-fame or assignation.

For such children there is provided in each county at least one place of refuge. It is not to be used "as a permanent residence for any child, but for its temporary protection, for so long a time only as shall be absolutely necessary for the placing of the child in a well selected family home." The homes must not be within half a mile of any penal or pauper institution; and no pauper or convict may be permitted to live or labor therein.[6]

"No child demented, idiotic, or suffering from any incurable or contagious disease" may be committed to or be retained in a county home.[7] If the board of management, acting under the advice of a physician employed by it, thinks that any child in the home falls within these classes, the chairman notifies the selectmen of the town

[1] 1883, c. 126, §§ 1, 3. [2] *Ibid.*, § 5. [3] 2, before 1899, c. 69.
[4] 16, before 1897, c. 210. [5] 1901, c. 184, § 1.
[6] § 2788; 1883, c. 126, § 1. [7] 1883, c. 126, § 1.

from which the child was committed and the selectmen must remove him immediately. A letter deposited in the postoffice, postage paid, stating the child's name and that he is demented, idiotic, or suffering from an incurable or contagious disease, as the case may be, signed by the chairman and directed to the selectmen, is sufficient evidence that notice was given when the letter would naturally reach the selectmen; or actual written notice sent in any other way is sufficient. If the selectmen neglect for ten days thereafter to remove the child, the chairman may, in the name of the county, secure a writ of mandamus, compelling the selectmen to remove the child immediately, and the selectmen forfeit to the county $3 for each day's neglect after the ten days specified, to be recovered in a proper civil action. This provision does not apply to a child who contracts a curable contagious disease in the home.[1]

The maintenance of these homes is entrusted to a board of management consisting of the county commissioners,[2] one member of the board of charities, who may be the secretary,[3] and one of the board of health. The board has full authority to lease, purchase, hold, sell, and convey property, appoint superintendents or agents, and make all necessary rules and regulations, except that it may not have the home under the same management as an almshouse, workhouse, or penal institution. The board also appoints a committee of one man or woman in each town in the county, or [4] more than one, in accordance with the population and area of the town, who serve without compensation and have the right at all times to inspect the home or homes of the county and to suggest changes to

[1] § 2789; 1899, c. 76.
[2] § 1742. *Vid.* p. 348.
[3] § 2865; 1895, c. 311, § 2.
[4] 1893, c. 28.

the board. "The board may, when desirable for economical reasons, and when consistent with the welfare of the children . . . , establish such temporary homes in desirable private families," and may also, with the consent of their managers, use private orphan asylums in the county.[1] Children placed in family homes may be removed to the county home or to another family home at the discretion of the board. The town committees aid the board in selecting such homes and in visiting the children placed therein. Each child is visited by the board, its agents, or the town committees at least once in every three months.[2]

The state board of charities, also, is authorized to recommend to the county boards suitable family homes and to visit the children who have been placed out. If it finds that a child's welfare is jeoparded by the character of the home or his treatment, it so reports to the county board, which, upon being satisfied that the allegations are true, must remove the child and make further provision for his care. The state board may authorize its secretary or a specially appointed agent to perform these duties, the compensation of any special agent not to exceed $3 a day for the time actually employed in the work.[3] The county boards may place any child under their care in a private family, chartered orphan asylum, or children's home in Connecticut which will accept the child, for the period of commitment or any portion thereof.[4]

The boards meet as often as once every three months, notice being sent by mail to each member by the chair-

[1] This last power is used by Litchfield County, which since 1889 has used the Gilbert Home in Winsted. *Rep. Board of Charities*, 1902, p. 197.

[2] § 2790; 1883, c. 126, § 2.

[3] §§ 2859–2861, 4811; 1895, c. 298.

[4] § 2795; 1901, c. 184, § 2.

man at least three days prior thereto. At the autumn meeting the town committees meet with the board and suggest such changes and additions as they think desirable. They also assist at that time in the selection of family homes and advise the board of the results of their visits to the children who have been placed out. The chairman of the board gives to such town committees five days' notice of the meeting.[1]

COMMITMENTS TO COUNTY HOMES

Overseers of the poor [2] are required to place in the county homes all children between the ages of 4 and 18 [3] who would otherwise be in the almshouse.[4] They may place children in the home for such length of time as may be agreed upon with the board.[5] They may, with the consent of the board, place in the home children under four.[6] The placing of children with the lowest auction bidder is prohibited.[7] The board may at its discretion permit children to be cared for in the home at the expense of private persons.[8] Any selectman who places or retains in an almshouse a child within the prohibited ages forfeits $50 a month.[9] If one of the parents of such a child, who is a person of good moral character, is committed to an almshouse with him and may there care for him, he may remain with the parent for not more than thirty days in any one year.[10]

In addition to children placed in them by town authorities, the homes receive those committed by courts or trans-

[1] § 2791; 1895, c. 328, §§ 1, 2. [2] *I. e.*, selectmen, § 2480.
[3] 2 and 16, before 1897, cc. 206, 210. *Cf. post.*
[4] § 2792; 1883, c. 126, § 3. [5] § 2792; 1884, c. 92, § 1.
[6] § 2794; from 1895, c. 323. [7] § 2792; 1883, c. 126, § 3.
[8] § 2792; 1884, c. 92, § 1. [9] § 2793; from 1895, c. 313.
[10] § 2792; 1884, c. 92, § 1.

ferred from the reform schools. A probate, city, police, borough, or town court,[1] upon proceedings instituted as for commitment to the reform schools, or upon petition of the humane society or the board of charities, may commit to the homes children belonging to the classes for which the homes are maintained, boys until 16 and girls until 18,[2] unless sooner discharged by the board of management.[3] If a continuance is allowed, the court may make such order for the child's care until the case is finally disposed of as will conduce to his welfare. During such adjournment no child suffering with a contagious disease or charged with crime or vice may be committed to the custody of a temporary home or of any orphan asylum. The expense of the care is taxed as a part of the costs.[4] Within thirty days after a commitment, the committing authority transmits a certified copy of the items of the costs of the proceedings to the clerk of the superior court of the county and they are paid like those of a criminal case coming to it from an inferior court.[5]

The assembly of 1903 [6] directed the attorney-general to prepare uniform commitment papers to be printed by the state for distribution to courts and judges. These forms, which are used exclusively for commitments to county homes, call for the name, the age or date of birth, as exactly as it can be ascertained, and the town or city and state of the child's birth; the name, nationality, and religious preference of both parents or of the known parent; and whether the child is legitimate or illegitimate.

No child eligible for a county home under section

[1] Or justice of the peace until 1899, c. 200, § 1.

[2] 16, before 1901, c. 184, § 2.

[3] § 2795; 1883, c. 126, § 4; 1884, c. 92, § 2.

[4] § 2851; 1887, c. 71.

[5] § 2795; 1899, c. 190, and c. 200, § 2.

[6] C. 74.

2788 may be sentenced or committed to the reform schools unless he has committed "an offense punishable by law, or is leading an idle, vagrant, or vicious life," or the court or magistrate is of the opinion that the child's previous circumstances and life have been such as to make it desirable that he "be placed under the restraint, care, and guardianship" of one of the schools. The directors of either school may at their discretion transfer to the temporary home of the county from which the commitment was made a child committed to the school who falls within the classes specified for the homes. They must first give reasonable notice to the board of management. The superintendent at once notifies the comptroller of the transfer. Such a transfer does not divest the school of the guardianship of the child, unless it is relinquished by the directors.[1]

Within twenty days after the issuing of an order for commitment to a county home, the parent or guardian of the child, or the selectmen of the town in which the judgment was rendered, may appeal therefrom to the next criminal term of the court of common pleas [2] in the county, or, in towns [3] within the appellate jurisdiction in criminal cases of the district court of Waterbury,[2] to the next criminal term of that court, or, in cases not within the jurisdiction of either, to the next criminal term of the superior court. The appellant enters into a recognizance, with surety, to the state to answer to the complaint and to abide the order and judgment of the court. The trial is by jury, and the child must be produced in court during the trial and to receive final judgment.[4]

[1] §§ 2796–2798; 1886, c. 92. [2] 1893, c. 122, § 1.

[3] Waterbury, Middlebury, Naugatuck, Prospect, Southbury, Wolcott, Plymouth, Thomaston, Watertown, and Woodbury. §§ 435, 1439.

[4] § 2854; from 1889, c. 171, §§ 1, 2.

The courts empowered to commit children to county homes may instead commit them to suitable individuals or institutions consenting thereto, designated by the parents or guardians, upon being satisfied after inquiry that it will be for the welfare of the children. For the support of a child outside of a county home, neither state, county, nor town is liable. Within one year after a child has been committed to the county home,[1] the board of management or the committing authority (not including justices of the peace [2]) may, after due inquiry, upon petition by parent or guardian, transfer the child to an individual or institution in the manner just described. After the transfer no town is liable; and after the transfer to an institution, neither state nor county. Strangely enough this last clause does not apply to transfers to individuals.[3] Similarly, a child committed or transferred may be released by the authority or board and returned to the parents or guardian upon their petition, when it is shown that the cause of the commitment no longer exists. It would appear that the petition must be made within one year.[4] However, another section, dating from 1901,[5] permits the court that committed a child, upon the application of any relative, to revoke its order of commitment. Thereupon the guardianship of the board terminates. This may be done only upon due hear-

[1] 1895, c. 228. [2] Who might commit until 1899, c. 200, § 1.

[3] The clause relieving the towns from liability after the child is transferred is superfluous, for the law applies only to a child committed by a court, and for such a town is never liable. While the letter of the law relieves the state and county only when the transfer is made to an institution, as a matter of fact these do not pay after the court has transferred a child to an individual. On the other hand, if the county board places a child with an individual or in an institution, the liability remains as before.

[4] § 2803; 1893, c. 255, §§ 1, 2, amended by 1895, c. 228.

[5] C. 184, § 5.

ing after reasonable notice to the board through its chairman or secretary, and "upon finding that the cause for commitment no longer exists."[1] Apparently there is no time within which such application must be made. The board retains authority over the children even after they have been transferred to other institutions. It may visit them as if they had been placed in selected family homes, and it may, for sufficient cause, remove temporarily to the temporary home children thus committed or transferred until the cause is terminated. If this does not occur within thirty days, the board may place the children in selected family homes as if they were regularly in the temporary home.[2]

The board of management has full guardianship and control of children committed to the county homes until they are eighteen, or the guardianship has been legally transferred, or another guardian has been appointed by the probate court with the consent of the board.[3] The board may place a child under them "at such employment, and cause the child to be instructed in such branches of useful knowledge as may be suited to the age and capacity" of the child for such term, not extending beyond his seventeenth year, as will inure to his benefit.[4] Parents of chil-

[1] § 2806; 1901, c. 184, § 5. [2] § 2803; 1893, c. 255, § 4.

[3] This is the provision of § 2791. As now no children are committed except by the courts (*cf. post*), and a court may commit a boy only until 16, the law virtually makes the guardianship continue until the age of 18 only for girls.

[4] Up to the revision of 1902, this was not to extend "beyond the child's becoming eighteen years of age." Whether the revisers thought "his seventeenth year" was the equivalent is a matter of conjecture, but this change further complicates the question of ages. It splits the difference between the nominal guardianship of boys until 18 and the actual until 16, and falls a year short of the possible limit for girls.

dren who have been supported in a temporary home for three years, are not entitled to their earnings or services after they reach the age of eighteen.[1]

A child duly commited to the home may be given by the board in adoption, acting through its duly authorized chairman or secretary. A child over fourteen must give his consent and the adoption must be approved by the probate court of the district in which the home is located [2] after public notice of the hearing thereon.[3]

The penalty for removing or causing to be removed from a county home or a private home provided by the board, without its consent or that of the selectmen who committed the child, any child committed by a court or town, is a fine of not less than $10 or more than $30, or imprisonment for not more than 20 days, or both.[4]

Clergymen and parents of all religious denominations have equal privileges for imparting religious instruction, at such reasonable times and places as the board may prescribe, to the inmates of county homes and to all children under the charge of the board at their places of commitment or residence.[5]

SUPPORT OF COUNTY HOMES

The liability for the support of children in county homes depends upon how they were committed. Since 1899 [6] children committed by the courts are supported by the state as if they had been committed to a reform school. Though a girl may be committed until she is eighteen, the state pays

[1] § 2791; 1895, c. 328, §§ 3, 4. [2] 1897, c. 28.

[3] § 233; from 1895, c. 328, § 3, which limited it to orphans and those in the charge of the home for more than one year.

[4] § 2802; 1885, c. 116, § 3.

[5] § 2804; 1893, c. 148; *cf.* 1893, c. 255, § 3. [6] C. 200, § 3.

nothing [1] for her after she is sixteen.[2] That is, the state pays monthly at the rate of $3 a week for support.[3] This ceases if the court transfers a child to an individual or institution other than the county home. If either parent of a child thus committed is able to contribute to the support, it is his duty to contribute such sum as may be agreed upon between him and the board of management. If a parent who is able to pay refuses to enter into such an agreement or to make the payments agreed upon, the board complains to the prosecuting officer of the parent's town of residence, who proceeds against him as in the case of one who refuses to support his wife or children.[4]

Those who are committed by town authorities are supported while in the homes or in selected families by the towns, boys until fourteen, girls until twelve. The town committing a child may secure reimbursement from the town which would have been responsible for the child if a pauper, at the rate of not less than $1.50 or more than $2 a week.[5] No payment may be required for the support of children in private families, when the board thinks that they may be satisfactorily placed in families without compensation.[6] Because towns thus escape financial responsibility, the popular method of commitment is by the courts.

Any deficit in the maintenance of a home is paid by the county. The board presents annually to the county representatives and resident senators its estimates for the succeeding year. If there are not sufficient funds in the

[1] 1901, c. 184, § 4. [2] § 2795. [3] *Cf.* §§ 2834, 2846.

[4] § 2805; 1901, c. 128; *i. e.*, he may be sent to workhouse or jail under § 1343. *Vid.* p. 284.

[5] § 2792; 1885, c. 116, § 1; 1883, c. 126, § 3, had simply made the town to which a child belonged liable for this sum.

[6] § 2792; 1884, c. 92, § 1.

county treasury, the representatives and senators at their biennial meeting, or, in alternate years, at a special meeting duly called, lay a county tax for the necessary amount.[1] In the same way is met the extra expense necessarily incurred by a town or school district for the education of the children in the county home. The board of management determine the amount, and no county may pay any expense incurred without the approval of the board or before the account has been audited and approved by it.[2]

Instead of using the local schools, the county commissioners [3] may establish in the home a duplicate of the regular public schools. They receive from the town a proportionate part of the school fund, which may be used for paying the teachers and for no other purpose. To ascertain this amount, the children in the home are enumerated separately when the annual school census is taken; except [4] that children placed out in families are counted only in the towns or districts where the families reside. Such schools are under the supervision of the state board of education,[5] which must approve of the teachers employed, and appoint one or more acting visitors to inspect the schools at least twice each term. The county commissioners may not pay any teacher or maintain the school unless these visitors certify in writing that the school has been maintained each month in conformity to law.[6] Each county pays also for the schooling

[1] § 2799; from 1883, c. 126, § 6.

[2] §§ 2800, 2801; 1886, c. 93.

[3] Used as equivalent of "county board," of which they form a majority.

[4] 1903, c. 200.

[5] This board is composed of four members appointed by the general assembly for terms of four years, one from each congressional district, together with the governor, lieutenant-governor, and the secretary of the board, chosen by the other members. § 2111 *et seq.*

[6] §§ 2258–2260; 1895, c. 222.

of children belonging in the home who are living in any other town or district. The amount is ascertained by dividing the total cost of maintaining these schools for the fiscal year, less the amount of the state appropriation, by the number of children 4-16 in the previous school census, and multiplying this cost per pupil by the number of county home children in the schools. Where the school at the county home is maintained wholly by the town, the school authorities ascertain in the same manner its cost and the county commissioners pay the amount certified to them.[1]

One decision must be cited in this connection. The state has the right, under the law establishing county homes, to interfere for the protection of neglected children and its action is not to be set aside upon the demand of a parent asserting his natural rights. The placing of a child, Catholic by birth, in a Protestant home, was not an abuse of the discretionary power of the county board, even though the fact that it had not permitted the mother to impart religious instruction to her child, was to be regretted.[2] If there had been abuse, it was doubtful whether a writ of *habeas corpus* would have been a proper remedy.[3]

STATISTICS OF COUNTY HOMES

The county temporary homes for dependent children have existed for twenty years. Their purpose was to remove children from almshouses [4] and other places possessing a degrading influence and to find for them suitable family homes.

[1] 1903, c. 211.

[2] 1893, c. 148, makes obligatory the granting of such permission. This act was passed at the next session of the assembly after this decision was handed down.

[3] 1891, Whalen *v.* Olmstead *et al.*, 61 *Conn.*, 263.

[4] In 1883 there were 42 children in one almshouse. *Vid. Rep. Board of Charities*, 1892, p. 123.

The county homes were to serve simply as receiving and distributing stations. It was expected that these would remain small and that their expense would never become large, for the reason that the children would soon be placed in suitable free homes.

These expectations have been realized only in part. The county homes have proved neither temporary nor small. In 1895 [1] the eight homes contained 500 children and it was stated by the state board of charities that some had been in them for years. The census for the close of the fiscal year 1903 showed 487 in the homes and 87 boarded by the homes in Catholic and Protestant asylums. Add to these the 926 children in private orphan asylums at the same date and we have a total of over 1500 children in institutions.

Of late years it has become increasingly difficult to secure homes for the smaller children, those under ten or twelve, who are too young to be useful; and it may be necessary, the state board thinks,[2] if large institutions are to be avoided, to adopt the New Haven plan of boarding such children in families. This plan was first used about 1895. Not more than four children were boarded in any one family and the county home was made merely a receiving station. At that time the board declared [3] that the plan was fraught with danger and called for careful supervision. Experience seems to indicate that when carefully guarded it may prove a useful method.

Partly to prevent the undue growth of the county homes but probably still more to get state aid for private institutions, it was proposed in 1901 to permit the commitment of children to private and sectarian asylums under the same conditions as to the county homes, the state paying the cost of commitment and support. The state board opposed this

[1] *Rep. Board of Charities*, 1895, p. 24.
[2] *Ibid.*, 1901, p. 34.
[3] *Ibid.*, 1896, p. 64.

on the ground that the experience of other states had shown that institutional life was thus unduly prolonged. As a compromise measure, the county boards were given the power, already described, of boarding children in private asylums during the whole or a portion of the period of commitment.[1] Within a year Fairfield county was boarding 34 of its wards in the St. Francis Orphan Asylum in New Haven. The state board thinks that boarding in private families is preferable.[2]

This compromise has by no means satisfied all Catholics. An energetic agitation is being carried on to secure from the next general assembly an act for the support of children in private asylums at the expense of the state. The demand is based in part on the fact that in a few instances the county boards have placed Catholic children in Protestant homes. It is, therefore, claimed that the present law is unjust and one that the Catholics should never endure.

Not only have the homes become larger, but the proportion of children placed in families has proved smaller than was anticipated. The statistics in the early years are somewhat imperfect, but, as nearly as can be reckoned, of the 5,282 children received before the close of the fiscal year 1902, only 3,251 had been so placed. The actual number is less than this, for if a child is placed more than once, he is counted each time. The figures for the disposition of children exceed the total number received by nearly 900, and most, if not all, of this apparent discrepancy is due to this repeated placing of the same children. Making due allowance for this, we may conclude that only about one-half of the children have been thus placed. Of the remainder, the large majority, or 2,018, have been re-

[1] *Rep. Board of Charities*, 1901, pp. 34, 35. [2] *Ibid.*, 1902, p. 60.

turned to relatives, on the alleged ground that the cause for the child's removal no longer existed.[1] In 1903, 251 children were committed to the homes for the first time, 205 were placed in families, 110 were replaced, and 114 were returned to friends. In many such cases it is known that the children were sent back to conditions no better than those from which they had been taken.[2]

Commitments have been made with as little wisdom as discharges. At times it has seemed to be the policy to remove children from their homes whenever there was the least excuse. To prevent this, the justices of the peace were in 1899 [3] deprived of their power to commit children.[4] Power to discharge had already been taken away.[5] In spite of this, the next year 15 children were committed by justices.[6]

One cause for the growth of the county homes is the fact that the state supports all children committed by the courts. The original law placed the expense upon the towns and counties,[7] as does the present law for those not committed by the courts. In 1889 [8] the state assumed the same responsibility for those whom the courts committed to the homes as for those sent to the reform schools, in place of which the homes were being used in many instances. By having all children committed by the courts, the towns escape liability. Experience has shown beyond a doubt that the Connecticut towns would commit fewer children if they had to pay the bills. On the other hand, they would probably think more of economy than of the children's welfare and might leave in improper surroundings children who should be removed. Belief that this would be the result of

[1] *Rep. Board of Charities*, 1902, p. 222. [2] *Cf. ibid.*, 1898, p. 200.
[3] C. 200, § 1. [4] *Cf. Rep. Board of Charities*, 1899, p. 37.
[5] 1893, c. 255, § 1. [6] *Rep. Board of Charities*, 1900, p. 61.
[7] 1883, c. 126, §§ 3, 6. [8] C. 28.

a change in the law, has helped the smaller towns to defeat every proposal to place the financial burden where it logically belongs, upon the local communities.[1]

For the fiscal year 1903 the receipts of the county homes to cover their expenses were as follows:

Received and due from state	$84,234
Received and due from towns	396
Sales	791
Paid by counties	3,094
Total expenses	$88,515

To this amount should be added $8,823, expended by the counties for building repairs. No children were placed in the homes by selectmen, while 251 were committed by the courts. These figures tell the story.

A recent change in the age limit has weakened the law. The guardianship for boys, which formerly extended until eighteen as it still does for girls, under an act of 1901 [2] now ceases at sixteen. This turns the youth loose upon the world, as the state board expresses it,[3] at a time when he most needs restraint. If the old limit were restored and discretionary power given to the county boards to release boys at sixteen, the effect would be beneficial. Then, if wages were paid to boys in families from sixteen until they left the jurisdiction of the home, they would be better fitted to take proper care of themselves after the guardianship terminated.

The first result of permitting children to remain for a month each year in almshouses with their parents, if of good moral character, was harmful. Parents who were in the almshouse because of drunkenness, were considered to be

[1] *Cf. Rep. Board of Charities*, 1899, p. 37.

[2] C. 184, § 2.

[3] *Rep. Board of Charities*, 1902, p. 60.

of "good character," and when children were once admitted, the time limit was easily forgotten.[1] With the closer supervision of the almshouses by the state board, this evil has been somewhat reduced.

Certain administrative difficulties have appeared and have been corrected. Thus, the law requiring quarterly meetings of the board of management [2] was passed because in some cases one member of the board, either alone or with the assistance of a few others, went ahead regardless of the wishes and judgment of the rest.[3]

Another difficulty was in the matter of placing and visiting children. In 1894 the state board reported [4] that the work of recommending homes was not carried on systematically and that some of the children placed out were lost sight of. They recommended that the work be done by a salaried officer instead of by volunteers, for the town committees hesitated to refuse a recommendation to families of their towns which applied for children, or to report their shortcomings later. As a result, the state board was given the powers already described regarding such children.[5]

In spite of its defects, the law has accomplished much. Its first effect was to lead parents and churches to discover that they could support children who had up to that time been living in almshouses.[6] Occasionally the board discovers flagrant violations of the law. Thus, in 1892 the state board reported [7] that there were in the almshouse in Waterbury 11 children between the ages of 5 and 14, who had been there for periods ranging from eight months to over two years and who associated with vicious paupers and

[1] *Rep. Board of Charities*, 1885, p. 66. [2] 1895, c. 328, § 1.
[3] *Rep. Board of Charities*, 1895, p. 140; 1896, p. 62.
[4] *Rep. Board of Charities*, 1895, pp. 24, 25. [5] 1895, c. 298.
[6] *Rep. Board of Charities*, 1885, p. 65. [7] *Ibid.*, 1892, p. 121 *et seq.*

prisoners outside of school hours. In 1898 [1] Danbury was keeping in the old abandoned almshouse a number of poor families, under the claim that the law did not apply to it. The sanitary condition of the place was appalling and many of the adults were of the worst character. Yet these families and their children were allowed to remain there rent-free and supported in part by town orders. Four families had been residents there for three years and upwards. In the six families there were 25 children ranging in age from 5 months to 14 years, 3 of whom had been born in the place.

Even now there are many children in almshouses but most of them are there because there is no other place for them. The state board cannot secure their removal to county homes because they are crippled or sufferers from incurable diseases and, therefore, not eligible for the homes or hospitals.[2] The board has frequently recommended that something be done for these unfortunates, either by establishing a special state-aided home for their care,[3] or by erecting for them in connection with some county home, at state expense, a cottage department.[4]

HOME FOR INCURABLES

What the state has as yet been unwilling to do, private philanthropy has undertaken in part, in the establishment by the Connecticut Children's Aid Society Corporation [5] of a home for crippled children in Newington. The assembly of 1903 passed an act [6] for the commitment to this home of pauper or indigent children of sound mind who are cripples or are afflicted with a non-contagious incurable disease.

[1] *Rep. Board of Charities*, 1898, pp. 355–358. [2] *Ibid.*, 1896, p. 67.
[3] *Ibid.*, 1890, p. 125 *et seq.* [4] *Ibid.*, 1898, p. 72; 1900, p. 38.
[5] Organized in 1892. [6] C. 51.

Selectmen may apply to the probate court for the admission to this home of any such child found in their town. If upon inquiry the court finds that the child is a fit subject for the home, it orders the selectmen to take the child to it, to be retained there for such time as the court deems proper. The order is invalid until approved by the governor. If he approves, the state pays quarterly $2.50 a week towards the support of the child and the remainder, not exceeding $1 a week, is paid by the parents or grandparents or, for a pauper child, by the town to which he belongs. No child need be received unless the corporation decides that it can conveniently receive and care for him, and the corporation may at any time return to his town any child thus committed whom their physician pronounces, after examination, to be unfit for retention. The home may not receive any child to be supported in any manner by the state without the governor's approval.

The laws of the state forbid the establishment in any Connecticut town, without its consent, unless by express legislative authority, of any asylum or home for defective, deformed, or incurable persons.[1]

PRIVATE INSTITUTIONS

The home for incurables described above ranks as one of the fifteen children's homes which are regularly visited by the state board of charities. These can accommodate 1,356 children and contained at the close of the fiscal year 1903, 926 children, the total number cared for during the year being 1,509. The Middlesex County Orphans' Home Corporation, which was chartered in 1877, surrendered its property to the county home when that was organized in 1883, on the ground that the latter was better able to do the work.[2]

[1] § 2853; 1895, c. 324. [2] *Rep. Board of Charities*, 1884, p. 68.

The powers of the asylums are specified in their charters but in most, if not all, cases they are empowered to accept the guardianship of children surrendered to them by parents, guardians, or selectmen, with or without the consent of the court. Such children may be given in adoption in the same way as those under the guardianship of the county boards. The asylums may also, with the written consent of parents, if any, or of a minor inmate himself, and of the inmate if over fourteen, give in adoption any minor in the asylum for whom they are not guardians.[1]

INDUSTRIAL AND REFORM SCHOOLS

The development of the county homes for dependent children has diminished the importance, from our point of view, of the industrial and reform schools, although they are still used to a certain extent for the care of needy minors.

The school for boys, known since 1893 [2] as the Connecticut school for boys, is situated in Meriden [3] and is under the government of twelve trustees, appointed by the senate, one from each county and four from the vicinity of the institution. They hold office for four years from July 1, six retiring biennially.[4] The governor has power to fill vacancies while the assembly is not in session.[5] They appoint from their number a treasurer, who receives a salary [6] of $200 and is required to give a bond for not less than $5,000,[7] and from outside their number a superintendent, who resides at the school and may be removed by them at pleasure, and other necessary officers. The trustees prescribe the duties of such officers and fix their compensation.[8]

[1] § 233; 1885, c. 110, § 65. [2] C. 92.
[3] § 2817; from 1851, c. 46, § 1. *Vid.* p. 255 *et seq.*
[4] § 2818; 1887, c. 5, § 39. Previously, 8 trustees. [5] § 2818.
[6] § 4811; 1899, c. 25. [7] 1897, c. 193, § 1.
[8] § 2819; from 1851, c. 46, § 2.

The superintendent gives a bond of $5,000, has charge of the inmates and property, and keeps account of receipts and expenditures.[1] The trustees manage the school

according to law; adopt rules for its management and the maintenance of strict discipline therein; provide instruction in religion, morality, and useful knowledge, and in some regular course of labor for the inmates; bind them out, discharge, or remand them.[2]

Those who may be sent to the school by courts and justices of the peace are boys under sixteen who (1) have been convicted of any crime or misdemeanor, punishable by fine or imprisonment, other than imprisonment for life;[3] who (2) are liable to imprisonment under any state law; who (3) are charged with a crime or misdemeanor punishable with imprisonment, provided their parents or guardians consent to the commitment; who (4) are destitute of suitable homes and adequate means of obtaining an honest living, or are in danger of being brought up to lead idle or vicious lives; or who (5) are incorrigible or habitually disregard the commands of parents or guardians, lead vagrant lives, resort to immoral places or practices, or neglect to work or to attend school.[4] No child under sixteen may be committed to any jail, almshouse, or workhouse as vicious, truant, or incorrigible.[5] No boy under ten may be sent to the school[6] unless he has been convicted of an offense the punishment of which is imprisonment in prison[7] or jail.[8] The school may also be used by the United States for the confinement of boys between 10 and 16, who have

[1] § 2821; 1851, c. 46, § 10.
[2] § 2819; from 1851, c. 46, § 2.
[3] From 1851, c. 46, § 4.
[4] § 2823; 1879, c. 125, § 1.
[5] § 2823; 1901, c. 184, § 2.
[6] From 1857, c. 58, § 3; *cf.* 1864, c. 69.
[7] § 2824; 1901, c. 56.
[8] 1903, c. 25.

been convicted in the United States court for the district of Connecticut of an offense punishable by fine or imprisonment, other than imprisonment for life, their support being paid by the national government.[1]

If the courts are notified by the president of the board of trustees that the school is full, no boys may be sent to the school until the notice is recalled.[2]

All boys are kept until they are twenty-one, unless sooner discharged or bound out; but no boy may be retained after the superintendent reports him fully reformed.[3]

The boys in the school are supported by the state, which pays monthly, upon the order of the comptroller, $3[4] a week for each boy.[5]

Instead of retaining a boy in the school until he is twenty-one, the trustees may do one of four things. They may place him at employment and cause him to be instructed in a manner suited to his years and capacity. With his consent or that of his parents or guardian they may bind him out as an apprentice during his minority or for a less term. The president of the board acts for it, and an indenture thus given has all the force of one executed by a legal guardian. The trustees may return to the school any such boy who proves to be untrustworthy, and cancel his indenture, or one whose new home proves unsuitable, or whose master becomes unable or unfit to care for him.[6] Second, the trustees may release a boy on probation, with power at any time to recall him if his best interests will be promoted thereby.[7] Third, they may place a boy in a home with relatives or oth-

[1] § 2825; 1901, c. 57. [2] § 2827; 1879, c. 125, § 3.

[3] § 2826; 1879, c. 125, § 2. Under 1851, c. 46, § 7, commitments were for not less than 90 days or longer than during minority.

[4] 1893, c. 154. [5] § 2834; *cf.* 1851, c. 46, § 13; 1860, c. 33.

[6] §§ 2828, 2829; 1879, c. 125, §§ 5, 6; *cf.* 1851, c. 46, § 5.

[7] §2830; 1879, c. 125, § 7.

ers, causing him to be instructed and regularly employed until he is twenty-one, provided his improvement in knowledge and behavior qualifies him for this liberty. They retain control of his person and earnings and are required as often as once in six months to obtain by "authorized visitation or inspection," "definite and reliable information" regarding his conduct and progress, and in general to act as his guardian.[1] Fourth, as already explained, the trustees may transfer boys to a county home.[2]

By an act of 1899[3] the governor appoints biennially an agent of the school to hold office for two years beginning July 1. He receives a salary of $1,200 and not more than $800 for expenses.[4] Under the direction of the trustees, he secures suitable homes and employment for boys released on probation, investigates "the condition and ability of parents and relations, who petition for the release of boys," furnishes suitable homes and employment for boys whose release is sought, and obtains reliable information as to the occupation and suitableness of the homes of boys on probation, by personal investigation at least once in six months. He also performs such other duties and assists the superintendent in such ways as will give him personal acquaintance with the boys in the school. If he finds that the conduct or home of a boy on probation is unsatisfactory, he may recommend either his return to the school or his transfer to a more suitable home. The agent makes immediately to the superintendent a detailed written report of his investigations, which is kept on file and laid before the executive committee of the trustees, and annually reports the number and condition of all boys who have been placed out.[5]

[1] §§ 2831, 2832; 1886, c. 127. [2] §§ 2797, 2798. [3] C. 124.
[4] § 4811. [5] § 2835.

The law for committing boys to the school has been pronounced constitutional even though it deprives a parent of his son's services. Action for commitment may be taken upon the complaint of any one or a justice of the peace may act of his own motion. Before 1889 [1] there was no appeal from a commitment by a justice of the peace.[2]

The corresponding school for girls, the Connecticut industrial school for girls, is located in Middletown and is a private institution subsidized by the state. Its government is vested in a self-perpetuating board of twelve directors, the governor, lieutenant-governor, and secretary of state being additional state directors *ex officiis*.

To this school may be sent by court or justice any girl between the ages of 8 and 16 [3] who

has committed any offense within the final jurisdiction of a justice of the peace,[4] or is rude, stubborn, or unruly, or is an habitual truant from school, or is the child of a person who has had town relief, and is by such parent suffered to misspend her time, and to be without any honest calling, or is so ill provided for by her parents as to be exposed to want, or is exposed to want with none to care for her, or is leading an idle, vagrant, or vicious life, or is in manifest danger of falling into habits of vice.

Application for such commitment may be made in a written complaint by her parent or guardian, by a selectman, grand juror, or other informing officer, or by an officer [5] who finds her in any improper place or situation and arrests her. If the judge or justice after due notice to her and other proper notice finds the allegations true, he may order her com-

[1] C. 171; *vid. post.* [2] 1883, Reynolds *v.* Howe, 51 *Conn.*, 472.

[3] 15 from 1870, c. 36, § 1, to 1876, c. 52, § 1.

[4] *Vid. ante*, p. 260; *cf.* § 1434.

[5] § 2840; from 1868, c. 37, § 4. *Vid.* p. 259 *et seq.*

mitted to the guardianship and control of the school until the age of twenty-one [1] unless sooner discharged. If she has committed an offense punishable by imprisonment, other than imprisonment for life, he may sentence her to the school or suspend judgment on such terms and for such times as he may prescribe, and may issue a warrant for the execution of the sentence.[2] He is required to endorse on the *mittimus*, as exactly as they can be ascertained, her age, parentage, birthplace, offense, and such other facts as will aid in her proper instruction and care. The age thus ascertained is taken as her true age with reference to the term of her commitment.[3]

This law does not deprive any girl of fourteen years and upward of the privilege of choosing her own guardian, with the approval of the probate court.[4]

Any two directors may discharge from the school and return to her parent or guardian, or to the selectmen of the town, any girl who in their judgment ought not to be retained.[5] They may also transfer girls to county homes.[6] With the approval of the governor, the directors may transfer to the Connecticut school for imbeciles any girl who is a proper subject for it. She is supported like the other inmates, as already described.[7]

[1] 18 before 1878, c. 122.

[2] § 2839; from 1868, c. 37, §§ 1–4, with many changes. The statute (§ 2850) provides that sentences may be in the alternative as in the case of boys sentenced to the boys' school. Before 1879 (c. 125, § 1) boys convicted of crime might be sentenced in the alternative to the school or to the other prescribed punishment. Since then there has been no alternative sentence for boys, but this section regarding girls is retained. *Cf.* 1875, 93, § 6.

[3] § 2844; 1870, c. 36, § 9.

[4] § 2839; from 1878, c. 122.

[5] § 2842; 1870, c. 36, § 3. Before 1879, c. 125, the trustees of the boys' school had this power.

[6] § 2797.

[7] § 2843; 1899, c. 138.

There is taxed monthly not more than $3 [1] a week for each girl under the guardianship of the school,[2] either at the school home or at an outside hospital or other proper place necessarily provided for a girl who, after being placed out, becomes an unfit subject for the school. To provide for the extra expense caused by the transfer of girls to outside homes and by visiting them there, the tax is continued for thirteen weeks after the transfer.[3]

The school is the guardian, not only of the person of girls committed to it, but also "of any estate . . . acquired by the personal services of any girl while under its guardianship and control." [4] The directors of the school may bind out to service the girls under their control for any term not exceeding that of their commitment.[5]

The school grounds form a separate school district, the directors [6] act as the school committee, and the district is entitled to its share of the funds appropriated for the encouragement of public schools.[7]

In addition to the special laws for each school, there are statutes which apply to both. The provisions for the custody of a child during a continuance in the proceedings for commitment,[8] for appeals from commitments,[9] and for taxing the costs of the same,[10] are exactly the same as in the case of county temporary homes, already given. Provision is made for religious instruction in the schools, as in the homes, clergymen of different denominations being given access at times and places designated by the school authori-

[1] 1893, c. 188. [2] § 2846; 1868, c. 37, § 9.

[3] § 2846; 1899, c. 142, which made legal a former practice of the school.

[4] § 2845; 1885, c. 5. [5] § 2841; from 1870, c. 36, § 4.

[6] Before 1893, c. 164, the state board of education.

[7] §§ 2836–2838; 1886, c. 96. [8] § 2851, [9] § 2854. [10] § 2856.

ties. Parents, however, are not allowed this privilege as they are in the county homes.[1]

In addition to children committed by courts or justices, the schools are authorized to receive minors indentured by parents or guardians, on such terms as may be agreed upon between the parties. Such children are on exactly the same footing as the other inmates. The expense is paid quarterly in advance and, in case of failure to pay, the superintendent may sue upon the agreement.[2]

Any person who aids or abets an inmate of either school in escaping, knowingly harbors such fugitive, or aids in abducting a ward of either school from persons to whose care and service he or she has been properly committed, is liable to a fine of not more than $100 or to imprisonment for not more than 60 days.[3] There is an additional statute which applies only to the boys' school. A fine of not more than $100 is imposed on one who entices or attempts to entice any boy legally committed to the school, or who knowingly harbors or aids in concealing a boy who has escaped. Sheriffs, deputy sheriffs, constables, policemen, and officers and employees [4] of the school are authorized and directed to arrest any boy who has escaped and return him to the school.[5]

If an inmate of either school dies, the superintendent causes immediate notice thereof to be sent by mail to the registrar of births, marriages, and deaths of the town from which the deceased was committed.[6]

The state board of charities is required to visit the schools as often as once in three months.[7] The state board

[1] § 2847; from 1871, c. 122.

[2] §§ 2848, 2849; from 1859, c. 79 (boys), 1868, c. 37, § 2 (girls).

[3] § 1273; 1876, c. 52; *cf.* 1870, c. 36, § 6.

[4] 1881, c. 119, par. 3. [5] § 2833; 1879, c. 125, § 4. [6] § 1863; 1883, c. 93.

[7] § 2862; 1895, c. 311, § 1. 1873, c. 45, § 2, had required visits every month.

of health also has authority to inspect all public institutions and to require reports from them as to their sanitary condition.[1] This includes the boys' school and the authorities of the girls' school never object to any inspection.

No trustee or officer of an institution receiving state aid may, under penalty of a fine of $50, furnish supplies to or be interested in any contract for supplies for such institution, unless he is the lowest bidder after open competition.[2]

ADMINISTRATION OF SCHOOLS

From the beginning the girls' industrial school has been well managed, those placed out have been visited, and the results have, on the whole, been encouraging. The cottage plan has always been used, and with the gradual growth of the school there has been an increasingly careful classification. During the ten years 1886-96 84½ per cent. of those dismissed from the school had been chaste ever since their departure, and in the latter year 90 per cent. were living pure lives.[3]

For the fiscal years 1902[4] and 1903 the statistics were:

COMMITMENTS.

	1902.	1903.
Manifest danger of falling into vice	24	32
Truancy and vagrancy	10	7
Incorrigibility and disobedience	7	6
Theft	8	4
Other causes	3	1
Total new cases	52	50
Remaining October 1	262	263

The record of the boys' school has been less favorable.

[1] §§ 2505, 2506; 1878, c. 140, §§ 4, 5. [2] § 1368; 1886, c. 144.

[3] *Rep. school*, 1896, pp. 45, 46.

[4] *Rep. Board of Charities*, 1902, p. 92.

In 1878 it was virtually a prison and was known as the penitentiary for boys. At one time all the boys were locked in cells at night. Sentences were for definite terms and the boys were discharged at the expiration of them, no matter what their character. The dishes and other furnishings of the dining room were unfit for human beings. All this has been changed, the dormitories followed the cells, and these in turn have been succeeded in part by cottages. Since 1879 [1] boys have been committed to the school during their minority.[2]

Another difficulty has been with regard to releasing boys and visiting them when placed out. Of the 265 boys released in 1897, 224 were returned to parents or friends. For 1898 the figures were 212 out of 276. It was known that some of the homes to which they went were of the very lowest order.[3] An act [4] was then passed for the appointment of an agent who should attend to this matter and keep track of the boys by visits and correspondence. The evil had been of long standing, as the board showed in 1888 [5] that 2,461 of the 2,968 boys released up to that time had been returned to parents or friends, in most cases those from whom the state had taken them. Usually the boys suffered a relapse, for meantime their homes had been growing worse instead of better. It is hoped that this will no longer occur.

There has been until recently a lack of manual training to fit the boys for self-support after leaving the school. Most were taught only chair-caning, a business that proved lucrative to the school but which branded the boys, who could do nothing else, as having been inmates

[1] C. 125, § 2. [2] *Cf. Rep. Board of Charities*, 1884, p. 49; 1890, pp. 6–9.
[3] *Ibid.*, 1897–1898, pp. 26, 50. [4] 1899, c. 124.
[5] *Rep. Board of Charities*, 1888, pp. 39–41.

of a reformatory or penal institution. By 1900 the manual training department, begun in 1895, was in working order and the proportion of boys in it was constantly increasing. The report of 1902 stated that the large majority were included. Previously, the younger boys and the more hardened ones worked together in the same workshop.[1]

There has also been a lack of physical exercise and training. Military drill was introduced in 1895,[2] daily setting-up exercises were adopted in 1900, but there is still need of a gymnasium.[3]

In 1899 the state board declared [4] that there was a tendency on the part of the school authorities to discharge absolutely from their control boys who were considered unsuitable, though it was doubtful how far the trustees could legally divest themselves of responsibility for their wards before they became twenty-one. To-day, while the school has no longer authority to refuse to receive those committed to it, an attempt to do so is sometimes made. There has also been a natural but unfortunate reluctance to receive back to the school wards who have got into trouble after reaching the age of eighteen. The school is not able, with justice to the younger boys, to care for such and there should be a state reformatory for them. It should be the duty of the trustees to secure the transfer to other suitable institutions of those whose residence in the school is rendered improper by physical infirmities. They should never be turned adrift. Under an act of 1899,[5] the directors of the girls' school are allowed the regular tax for the support of those who, after being placed out, become unfit subjects for the school. If the boys' school had a similar

[1] *Rep. Board of Charities*, 1895, p. 21; 1897, pp. 25, 26; 1902, p. 47; *Rep. school*, 1900, p. 15.

[2] *Rep. school*, 1895, p. 13.

[3] *Rep. Board of Charities*, 1899, p. 24. [4] *Ibid.*, p. 25. [5] C. 142.

power, it would not have to throw back upon the towns those who become consumptive, epileptic, or blind.[1]

One difficulty connected with the administration of the school has been the commitment to it of mere children, those under ten, merely because their homes were unsuitable. In 1898 the board reported [2] that there had been 21 such commitments within the previous two years and 349 since the opening of the school. Such commitments were inexcusable after the opening of the county homes. For this the courts and justices, not the school, were responsible. In 1901 [3] the commitment of boys under ten, unless for a state prison offense, was forbidden, with the result that in the following year only 5 were sent to the school. However, as some were sent to the county homes who had been guilty of serious offenses and were not suitable companions for the regular inmates, the law was modified in 1903 [4] to admit also to the school those liable to a jail sentence.[5]

Serious charges have in the past been brought against trustees of the school because of their financial relations to it. At times these have amounted almost to a scandal, but they have been corrected and there is no need at this date of dwelling upon them.[6] Very grave abuses have also crept into the administration, due in part to the presence of politics, and resulting in an almost incredible laxity in discipline. Those sent to the school to receive its supposedly restraining influence or merely because their parents were unwilling to care for them, have been contaminated and left the school worse than when they entered. Under the present administration there has been an improve-

[1] *Rep. Board of Charities*, 1899, pp. 26, 27.

[2] *Ibid.*, 1898, p. 51. [3] C. 56. [4] C. 25.

[5] *Cf. Rep. Board of Charities*, 1902, pp. 47, 48.

[6] *Cf. Comm. on state receipts and expenditures*, 1899, p. 38 *et. seq.*

ment, but even now there are judges who would prefer to send a boy to prison or jail rather than commit him to the boys' school.

The statistics for the fiscal years 1902 [1] and 1903 are as follows:

	1902.	1903.
Received, new cases	144	146
Received, old cases	30	23
Returned themselves	2	3
Boarders	1	3
Remaining October 1	403	417

COMMITMENTS.

	1902.	1903.
Incorrigibility	75	68
Theft	33	41
Truancy	6	12
Vagrancy	0	4
Burglary	14	12
Other offenses	16	9
	144	146

PROBATION LAW

An important act was passed in 1903 [2] providing for the appointment of probation officers to serve under the supervision of the Connecticut prison association. Probation officers must be appointed by the judges of district, police, city, borough, and town courts and may be appointed by those of superior courts and criminal courts of common pleas.[3] They

[1] *Rep. Board of Charities*, 1902, p. 86. [2] C. 126.

[3] The latest report of the Connecticut prison association (*Third Biennial*, 1904) states (p. 10) that up to September 30, 1903, 31 probation officers had been appointed, of whom 2 were women. On pp. 14, 15, there is a list of courts and probation officers. From this it would appear that such appointments had been made by the superior court in New Haven and Tolland counties, by the district court of Waterbury, and by 35 out of 39 city, town, borough, and police courts. In three courts more than one officer had been appointed.

may be of either sex and are charged with the duty of investigating the character and antecedents of all persons brought before the court charged with any offense not punishable by confinement in prison; of preserving complete records of each case, including descriptions for identification, the findings of the court, the action in the case, and the subsequent history of those released on probation; and of taking charge of all probationers, instructing them as to the terms of their release, and requiring periodical reports. In the case of a minor, the officer must, if possible, be notified immediately after the arrest and the court may commit the minor to his custody both before and after the trial, which, whenever practicable, is held in chambers. If the judge thinks the person may be released on probation, the case proceeds, sentence is pronounced, and then the court suspends execution for not more than one year, committing him to the custody of the officer during the suspension. If the probationer does not comply with the rules of conduct imposed by the court, the officer may rearrest him with or without a warrant. The court may then revoke the suspension of the execution of the sentence, or it may continue it. Under this law a minor may have his commitment to the reform school suspended and be placed under a probation officer instead of under the guardianship of the school.

ADOPTION OF CHILDREN

It has been seen already that county boards and orphan asylums may give children in adoption. The power is not confined to these bodies. Parents of children under fourteen, guardians of such children with the assent of the selectmen of the town where the children reside, parents or guardians of minors over fourteen with the written assent of such minors, and selectmen having in charge foundling children more than one year of age, may give them in

adoption by written agreement. The adopting parent exhibits the agreement to the probate court of the district where either [1] he or the natural parent or guardian resides. If the court decides at a hearing of which public notice was given, that the adoption will be for the welfare of the child and the public interest, it passes an order of approval, the agreement is recorded with the order of the court, and the child becomes the legitimate child and heir of the adopting parent, and ceases to be the heir of the natural parents or their relatives.[2] Since 1884 [3] the law has forbidden any child to be adopted by a person having a husband or wife living and competent to join, unless both join in the adoption. The child is then deemed the child of both.[4] A child adopted prior to June 1, 1886, by a married person without the joint action of both husband and wife may, with the consent of the court which approved the original agreement, become the child of the other, if both lodge with the court for record a signed declaration of their intention to adopt the child. This must be done during the minority of the child and while the original agreement remains in full force. If [5] one parent of a minor child dies and the survivor remarries, the new husband or wife may, at any time before the minor comes of age, become an adopting parent, with the approval of the probate court of the district where the child resides, by the lodging for record of a similar declaration, signed by both parties to the marriage.[6]

APPRENTICING CHILDREN

In addition to these more recent methods of caring for neglected children, that of indenturing them as apprentices still remains legal, though it is rarely if ever used. Not

[1] 1897, c. 28. [2] §§ 233, 234; from 1864, May, c. 85. *Vid.* p. 266.
[3] C. 3, § 2. [4] § 236. [5] 1886, c. 98, § 1. [6] § 235.

only may the authorities of the reform schools bind out their wards, but parents and guardians of minors may indenture boys until the age of twenty-one and girls until the age of eighteen or to the time of marriage within that age, to learn some trade or profession, the minor assenting to and subscribing the indenture. Minors of the age of fourteen, who have no parent or guardian within the state, may indenture themselves, with the approval of the selectmen of the town.[1]

Selectmen may, with the assent of a justice of the peace, indenture as apprentices to some proper trade children whose parents, having received town aid, allow them to misspend their time and do not employ them in some honest calling; or poor children who live idly or exposed to want, because their parents do not provide competently for them, or there are none to care for them.[2] It will be recalled that girls belonging to these classes are expressly mentioned among those who may be sent to the industrial school. Selectmen may indenture such children to any society located in Connecticut and incorporated to educate and relieve orphans and destitute children, and may contract to pay towards the support of such children not more than $1.50 a week. The society has the same authority over such children as over those surrendered by parents.[3]

If an apprentice does not perform his duties, refuses to obey, or wastes his master's property, the master may complain to two justices of the peace resident in the town, who may issue a warrant, have the apprentice brought before them, and inquire into the truth of the complaint. If they find him guilty, they may sentence him to the workhouse

[1] §§ 4684, 4685; from 1821, 318, §§ 1, 2. *Vid.* p. 164.

[2] From 1650 and 1673. *Vid.* pp. 52, 55.

[3] § 4686; from 1868, c. 78; *cf.* 1850, c. 36. *Vid.* p. 267.

for not more than 30 days. If he reforms, they may order his release or may cancel his indenture.[1] If an apprentice leaves his master's service, any justice may issue a warrant to a proper officer to pursue him and bring him back at the master's expense.[2] An absconding apprentice is liable, when he comes of age, for the damages occasioned his master.[3] One who entices an apprentice from his master's service is liable to be fined not more than $100 or imprisoned not more than six months.[4]

It is the duty of those indenturing minors, whether parents, guardians, selectmen, or the authorities of the reform schools, to inquire into the treatment of those indentured by them respectively. If they find the master has failed to perform his part of the indenture, they may cancel it. Nothing is said about any legal proceedings.[5] Until the revision of 1902 struck out most of this section, complaint was made to a justice of the town where the master resided, who issued a warrant for bringing the master and apprentice before him, and reconciled them if he could. If he failed, he might bind the master to appear before the next term of the court of common pleas,[6] district court, or superior court, having civil jurisdiction, and might also bind the apprentice to appear or give order for his custody and appearance. If the court found the allegations to be true, it might cancel the indenture with costs against the master. If it found them false and without probable cause, it awarded costs to the master against the complainant. The law also[7] allowed selectmen to make the inquiry if the

[1] § 4687; from 1821, 319. § 4; *cf.* 1750. *Vid.* pp. 165, 94.
[2] § 4688; from 1673 and 1784. *Vid.* pp. 56, 95.
[3] § 4690; from 1813, May, c. 2; *cf.* 1644. *Vid.* pp. 165, 56.
[4] § 1250; from 1855, c. 46; *cf.* 1813, May, c. 2. *Vid.* pp. 267, 165.
[5] § 4689; from 1821, 319, § 6. *Vid.* p. 164. [6] 1875, c. 73. [7] *Ibid.*

parties who made the indenture did not act, and directed the selectmen of the town of residence to act when the master and apprentice had removed from the town in which the latter had been indentured.[1] These provisions were omitted in the revision of 1902. The court had decided in 1881 that such proceedings were civil, not criminal, and that a justice might not commit to jail a master who refused to give a bond for his appearance before the superior court. The court also held that selectmen had no power, under the law prior to 1875, c. 73, to institute proceedings if the apprentice had been indentured by his parents or guardian or by the selectmen of another town.[2]

ABANDONMENT AND ABUSE OF CHILDREN

There is still another provision for neglected children. When the parents of a minor abandon him and make no suitable provision for his support and education, the probate court where he resides may, on the application of a relative or of the selectmen of the town of the minor's residence, appoint a guardian for him, subject to his right, if fourteen years old, to choose his own guardian with the approval of the court. The legal rights of the parents to the control and custody of the child then cease.[3] A guardian may likewise be appointed for a minor whose parents are not fit persons to have charge of him, and the court may direct the guardian to have the control of his person and the management of his estate.[4] The parent or parents of a minor must receive proper personal notice before a guardian may be appointed. If a parent resides out of the state or his

[1] 1888, § 1743; from 1821, 319, § 6. *Vid.* p. 164.

[2] Fenn *v.* Bancroft *et al.*, 49 *Conn.*, 216.

[3] § 223; from 1864, May, c. 62, § 2. *Vid.* p. 268. *Cf.* § 217.

[4] § 221; from 1850, c. 38. *Vid.* p. 268.

residence is unknown, such notice must be given as the probate court orders.[1]

Until the revision of 1902, a guardian might be appointed for a minor whose father had deserted him, and the court might appoint the mother guardian.[2]

Any person having charge of a child under six, who exposes it in any place with the intention of abandoning it, is fined not more than $500 and imprisoned not more than five years. The same penalty is prescribed for enticing a child under twelve, with the intent to detain it from the person having lawful custody of it.[3] If the parents of a minor are living apart and one of them decoys or forcibly takes the child from the other with the intent to remove him from the state or, having so obtained possession, removes the child from the state, he is fined not more than $500 or imprisoned not more than three years.[4]

"On any complaint for a divorce, the court may at any time make any proper order as to the custody, care, and education of the children, and may at any time thereafter annul or vary such order." When a divorce has been granted on the complaint of a woman and no order made regarding the custody of the children, or when the parents of minor children are living separately because of the abandonment or cruelty of the husband, the superior court where one of the parties resides, may, on the complaint of the mother and due notice to the father, award the custody of the children to the mother for such time and under such regulations as it may deem proper.[5] In controversies before the superior court between parents as to the custody of their children,

[1] § 222; from 1874, c. 10. [2] *Cf.* 1888, § 460; from 1856, c. 38.
[3] §§ 1158, 1159; from 1830, c. 1, §§ 20, 21. *Vid.* p. 166.
[4] § 1161; 1885, c. 52.
[5] §§ 4558, 4559; from 1836–37, c. 41. *Vid.* p. 167.

the court may award the custody of the children to either parent upon prescribed conditions and limitations; and when the court is not actually in session, any judge thereof may, prior to any action of the court, issue reasonable orders for the care, custody and maintenance of such children while the case is pending. The orders in the latter case may be set aside by the court or by the judge when the court is not in session.[1]

One recent decision bearing on these laws has been handed down. In 1896 the court held that as the duty of supporting a needy minor rests first upon the father, if he is wrongfully deprived of the custody by the mother, she cannot pledge his credit to a third person who supports the child with knowledge of the facts. If, however, the mother's custody becomes lawful by an order of the court restraining her from interference pending her suit for divorce, the father's liability revives; and for the reasonable value of the support thereafter furnished, the third party may recover from him, especially if, as in the case before the court, the mother has no property and cannot earn the support.[2]

Any cruelty to a child under sixteen by those having custody and control of him may be punished by a fine of not more than $200, or by imprisonment for not more than six months, or by both.[3] Any prosecuting officer of any court, any grand juror, or any officer of the Connecticut humane society [4] may, upon reasonable information, apply to a

[1] § 4560; 1883, c. 28; 1885, c. 99.

[2] Shields *v.* O'Reilly, 68 *Conn.*, 256. [3] § 1160; 1897, c. 124, § 1.

[4] In 1881 (*S. A.*, pp. 241, 242) a charter was granted to the Connecticut humane society, one of whose objects is to prevent cruelty to children. The governor was authorized to appoint for not more than two years one or more persons designated by the directors to be officially known as the prosecuting officers of the Connecticut humane society, with the powers of grand jurors and of prosecuting attorneys in city courts. Fines collected through the efforts of the society were to accrue to its

judge of the superior court, court of common pleas, or district court for a warrant to search places reasonably described in the application, to ascertain whether any such offense is being committed therein.[1]

EMPLOYMENT AND EDUCATION LAWS

Any one who in any way encourages a child under twelve to take part in any sort of gymnastic or acrobatic performance, in riding or dancing, *etc.*, in any immoral exhibition, or in any occupation injurious to health or dangerous to life or limb, is fined not more than $250, or imprisoned not more than one year, or both. This does not apply to employment as a singer or musician in a church or school, or in learning or teaching music.[2]

No child under fourteen[3] may be employed in any mechanical, mercantile, or manufacturing establishment,[4] under pain of a fine of not more than $60 for each week of such employment.[5] Any person who employs any child under fourteen while the school he should attend is in session, or permits such employment on premises controlled by him, is fined not more than $20 a week.[6]

No minor under sixteen may be employed more than ten hours a day unless to secure a holiday, repair machinery, or

benefit. In 1887 (*S. A.*, pp. 722, 723) the charter was amended so that the prosecuting officers should necessarily be reputable members of the Connecticut bar, and have the power of instituting complaints for the commitment of children to the girls' industrial school and to the county homes. The society was made responsible for damages caused by unreasonable or improper conduct of its officers or agents while claiming to execute official duties. The state appropriates not more than $2,000 annually for the use of the society (§ 2816; 1897, c. 173; from 1887, c. 88. Grants had been made each year after 1884).

[1] § 1495; 1897, c. 124, § 2.

[2] § 1163; 1884, c. 99.

[3] 13 before 1895, c. 118.

[4] § 4704; 1886, c. 124, § 1.

[5] § 4706; *cf. post*, p. 448.

[6] § 2119; 1899, c. 41.

make up time lost by a stoppage of machinery; and in no case may the hours of labor exceed sixty in a week.[1]

The intellectual welfare of children is secured by the education laws. The general duty of parents and those having the care of children is to bring them up in some honest employment and instruct them in reading, writing, spelling, English grammar, geography, arithmetic, and United States history.[2] All children between the ages of 7 [3] and 16 [4] must attend a public day school regularly during the hours and terms when the school of the district is in session, or while the school is in session where provision for instruction is made according to law; [5] unless it can be shown that the child is elsewhere [6] receiving regularly thorough instruction during the same hours and in the same subjects as the pupils of the public schools.[7]

Each week's failure to comply with this law is a distinct offense, punishable with a fine not exceeding $5. The penalty is not incurred if [8] the child is destitute of suitable clothing and the parent or person having control of him is unable to provide it, or if [9] his mental or physical condition renders his instruction inexpedient or impracticable. All the offenses concerning the same child must be charged as separate counts in one complaint. When there are two or more counts, sentence may be rendered on one or more counts and be suspended on the others. If at the end of twelve weeks from the date of the sentence it appears that the child has been attending school regularly, judgment on the other counts is not executed.[10]

[1] § 4691; 1887, c. 62, § 1; *cf.* 1867, c. 124, § 1. *Vid.* p. 270.
[2] From 1650. *Vid.* p. 52. [3] 8 before 1899, c. 19.
[4] 14 before 1885, c. 90, § 1. [5] 1899, c. 19.
[6] 1885, c. 90, § 1. [7] § 2116; from 1885, c. 90, § 1.
[8] 1885, c. 90, § 3. [9] 1887, c. 145, § 2. [10] § 2117; 1882, c. 80, §2.

Attendance at a private school is not an equivalent unless a register of the attendance is kept in the manner prescribed for the public schools by the state board of education, and is open at all hours to inspection by the secretary and agents of the board; and unless the same reports are submitted from the school as are required from school visitors except in the matter of expense.[1]

From this law are excepted children between 14 and 16 while they are lawfully employed at labor at home or elsewhere.[2] This does not permit an enrolled scholar to be irregular in attendance or exempt him from any rule concerning such irregularity.[3]

No child under sixteen may be employed in any mechanical, mercantile, or manufacturing establishment unless the employer obtains a certificate showing that he is over fourteen. This must be signed by the registrar of births, marriages, and deaths, or by the town clerk of the town where there is a public record of the child's birth, or by a teacher of the school last attended, or by the person having the custody of the register of said school. If the child was not born in the United States and has not attended school in Connecticut, one of the parents or the guardian may have the date of birth recorded by the registrar or town clerk where he resides. He must state under oath the date and place of the child's birth, and the registrar or clerk must demand any family record, passport, or other paper showing the age of the child.[4] If a child who has not attended school in Connecticut was born in the United States but no record of the date of birth can be obtained, or if the

[1] § 2118; 1887, c. 146. [2] 1895, c. 134.

[3] § 2116; from 1885, c. 90, § 2. Former laws were less strict. *Cf.* 1882, c. 80, § 3; 1887, c. 145, § 1.

[4] § 4705; 1901, c. 110, § 1; *cf.* 1886, c. 124. For earliest law *vid.* 1842, c. 28, § 2, not cited elsewhere.

records of the date of birth on the school registers for different years are inconsistent, or if a child has not attended school in Connecticut for a term of twelve weeks, the state board of education may investigate the case. If it appears that the child is over fourteen, the board may grant a certificate, which may be accepted in lieu of that just described. The parent or guardian must state under oath to the secretary or agent of the board the date and place of birth, and, upon request, exhibit any family records or papers showing the age of the child.[1]

According to an earlier provision, no person between fourteen or sixteen who cannot read and write may be employed in a town where there are public evening schools, unless he can produce every school month of twenty days a certificate from the teacher of an evening school that he has attended the school eighteen [2] consecutive evenings in the current school month and is a regular attendant. One who employs a child contrary to this act may be fined not more than $50.[3] Local school authorities may, by vote, declare that a child over fourteen and under sixteen has not education sufficient to warrant his leaving school to be employed. When they have so notified the parent or guardian of the child in writing, it becomes his duty to see that the child attends the school regularly while in session, until a leaving certificate has been granted by the same authorities stating that the education of the child is satisfactory; but the child may not be compelled to attend school after he reaches the age of sixteen. A violation results in a fine of $5 a week, as in the case of non-attendance by a child under fourteen.[4]

[1] 1903, c. 75.

[2] 20, until 1895, c. 210, § 3.

[3] § 2147; 1893, c. 227, § 3. Evening schools for those over 14 must be maintained by any town or school district which contains 10,000 or more inhabitants (§ 2145).

[4] 1903, c. 29; § 2117.

A fine of not more than $100 is imposed on any employer or person in charge of a place where children under sixteen are employed, if he does not keep on file the required certificates or show them, with the list of children employed, to an agent of the school authorities of the state, town, or district, when demanded during the usual business hours.[1] Any person who, acting for himself or as agent for a mechanical, mercantile, or manufacturing establishment, employs or permits to be employed in such establishment any child under fourteen, or any child between fourteen and sixteen, contrary to the provisions just recited, is fined not more than $60. Each week of such illegal employment constitutes a distinct offense. No fine, however, is incurred if the employer obtains at the beginning and keeps on file during the employment the required certificate.[2] A parent or person in charge of a child who makes a false statement regarding its age, with the intent to deceive a town clerk, registrar, or teacher, or who instructs a child to do it, is fined not more than $20.[3]

The school visitors or the town school committee in each town are required once or more every year to investigate the employment of children and report to the proper prosecuting authority any violation of the law.[4] The local school authorities and the state board of education are required to enforce the laws relating to the employment of children under sixteen. The state board may appoint agents, under its control and supervision, for terms of not more than one year to secure such enforcement and may pay them not more than $5 a day for the time actually employed and

[1] § 4705; 1901, c. 110, § 4.

[2] § 4706; 1886, c. 124, § 2; 1901, c. 110, § 4.

[3] § 2120; 1901, c. 110, § 5; *cf.* 1882, c. 80, § 5.

[4] § 2121; from 1842, c. 28, § 2. *Cf.* 1813., May, c. 2. *Vid.* p. 165.

their necessary expenses.[1] The board may also direct them to enforce the laws requiring the attendance of children at school.[2]

TRUANCY LAWS

To assist in securing an education for children there are laws against truancy.

Each city and town may make regulations concerning habitual truants from school and children between the ages of seven and sixteen years wandering about . . . , having no lawful occupation, nor attending school, and growing up in ignorance; and may make such by-laws,[3] respecting such children, as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars for any one breach thereof.

Every town and the mayor and aldermen of every city having such by-laws appoints annually three or more persons who alone prosecute violations thereof. All warrants issued upon such prosecutions are returnable before any justice of the peace or judge of the city or police court.[4] Selectmen may appoint committees of school districts, janitors of school buildings, and other persons on the nomination of the school visitors or district boards of education, special constables. They have power in the town of residence and in adjoining towns, when offenders have escaped thither, to make arrests for truancy, for wandering during school hours beyond the control of parents or guardians, for disturbance of schools and school meetings, and for damage to school property, and to serve criminal process in such cases.[5]

[1] 1886, c. 124, § 3.
[2] § 4707; 1887, c. 23.
[3] Up to 1902 the by-laws had to be approved by the superior court.
[4] §§ 2122, 2123; 1865, c. 51.
[5] § 1840; 1882, c. 40.

Another statute gives to the common council of any city the power to prohibit by ordinance loitering in the night-time of children under fifteen on the streets, alleys, or public places within its corporate limits, and to provide a suitable fine for violations.[1]

It is the duty of police, bailiffs, constables, sheriffs, and deputy sheriffs to arrest boys between seven [2] and sixteen who habitually wander and loiter about the streets or public places or anywhere beyond the proper control of their parents or guardians during school hours. They may, during such hours, stop any boy under sixteen and ascertain whether he is a truant and, if he is, send him to school. Every boy arrested three times or more under this law is taken [3] before a criminal or police court or a justice of the peace where arrested. If it appears that the boy "has no lawful occupation, or is not attending school, or is growing up in habits of idleness or immorality, or is an habitual truant," he may be committed for not more than three years to any "institution of instruction or correction, or house of reformation in said city, borough, or town," or, with the approval of the selectmen, to the Connecticut school for boys, if [4] he is not under ten years of age. In all such cases a warrant is issued and the father, if living, or if not, the mother or guardian of the boy is notified, if possible, of the day and time of the hearing. After the hearing, the judgment may be suspended indefinitely at the discretion of the judge or justice.[5]

Similarly, a girl may be proceeded against and be sent to the girls' industrial school, provided the warrant for

[1] § 1918; 1899, c. 217.
[2] 8, before 1902.
[3] Before 1902, only if he was not returned to school.
[4] 1901, c. 56.
[5] §§ 2124–2128; from 1869, c. 123; *cf.* 1865, c. 51. *Vid.* p. 270.

her arrest was issued upon the request of her parent or guardian.[1]

From 1650 until 1902 it was the duty of selectmen to see that parents attended to the education of their children. If admonitions did not avail, they were, with the advice of a justice of the peace, to take neglected children and bind them out as apprentices. This section was omitted from the revision of 1902, and thus disappeared one of the oldest of the statutes of Connecticut.[2]

The enforcement of these various laws is made easier by the annual enumeration of all children over four and under sixteen, which gives their names and ages, the names of their parents, guardians, or employers, and the place, year,[3] and month [3] when they last attended school. This census is taken in October,[4] and includes all children belonging in the school district on the first Monday of that month. If the enumeration is not completed by the district committee or its clerk before the twentieth of the month, it is made by or under the direction [5] of the school visitors, and must be finished before November 1.[6] The method of enumerating children under the control of the county homes has already been given. A person who refuses to give the necessary information regarding a child under his control is fined $3.[7]

V. Summary

While no radical changes have been made in the poor laws since 1875, there have been many modifications and

[1] § 2129; from 1869, c. 123, § 7. *Vid.* p. 271.

[2] *Cf.* 1888, § 2109. *Vid.* p. 52. [3] 1878, c. 43.

[4] "January" and "February" were changed to "October" and "November" by 1889, c. 26.

[5] 1897, c. 50. [6] § 2252; from 1820, c. 50. *Vid.* p. 272.

[7] § 2256; 1884, c. 48.

additions, especially in the form of special legislation. The following are among the most important:

The laws of settlement have been somewhat simplified, there are no longer any warnings or any removals except of actual paupers, and the decisions of the courts have made somewhat easier the acquisition of settlements by those without settlements elsewhere in the United States.

New methods have been devised for making a person's estate or relatives support him. A bond may be required of a man who fails to support his family and one's estate is liable for all support furnished. An applicant for relief may be compelled to disclose his financial condition. The old responsibility of a host for his guest has been removed.

The disability of one under a conservator may begin as soon as application for the appointment has been made.

The laws to prevent drunkenness as a cause of pauperism have been made more comprehensive, even if they are not enforced.

In the bastardy act, the requirement that the woman be examined in time of travail has been stricken out; it has been provided that a failure to find probable cause operates as a bar to further proceedings, that a jury trial may be demanded and secured, and that no suit may be compromised except upon strictly defined conditions, which guard the public interest.

A first step has been taken towards forbidding the marriage of defectives and dependents.

Methods of poor relief have been somewhat changed. The contract system of caring for town poor has been abolished and the obligations of town and state have been more clearly defined. The state board of charity has been permitted to employ a paid secretary and its duties have

been increased. Largely under its influence, the poor-law administration has been much improved.

New laws have been passed regarding vagrancy and workhouses but the actual results have been few.

A beginning has been made of special treatment for those suffering with tuberculosis, while the state has made larger and more numerous its grants to hospitals.

There have been improvements in the care of the insane. Private asylums now have to be licensed, commitments and releases have been further regulated, indigents are put on the same footing as paupers, if their relatives are unable to help support them, and a new state hospital has been erected. Better and more nearly adequate laws have been passed for the care of insane criminals.

The state has assumed new responsibilities for assisting the blind, especially those of kindergarten age and those over eighteen, and the work has been entrusted to a distinct state board.

Liberal provisions have been made for the care of veterans and their families under the direction of the soldiers' hospital board. These include special privileges, such as exemption from certain taxes and license fees and preferment in public employment, as well as grants for those in need of care at Fitch's home or in hospitals. Their families are aided, and under certain circumstances veterans may be aided in their own homes. The state buries old soldiers and marks their graves.

Many laws have been passed for the protection of minors. The regulation of their employment has been made more strict and they must remain in school longer. County temporary homes have been established for needy children and it is illegal to care for children in almshouses. Public and private charity have begun to care for children suffering from incurable diseases. Children may be given in

adoption as well as be indentured. The industrial and reform schools have become more nearly places of detention for incipient criminals only and for those who have taken the first steps in crime or vice.

The girls' school has been given authority, in cases where it is necessary, to care for the girls under its guardianship in other institutions. A general probation system has been introduced into the criminal law of the state. No maternity hospital may be conducted without a license.

On the other hand, there are many points at which the system might be improved, some of which will be noted in the next chapter. While the laws of settlement no longer hinder changes in residence, they are complicated enough to cause much litigation, with its accompanying expense. It would seem that it would have been well had a fair trial been given to the law of 1875, with a possible reduction of the term of residence necessary to secure a settlement.

There are abuses in the administration of relief by towns and the state board is unable at present to exercise adequate supervision. There is not only too lavish use of outdoor relief, but in many instances heartless neglect or cruel treatment. The state has not furnished the towns a good example in its care of the state poor. There is always the temptation to pass on to the next town an unsettled person and thus perhaps to encourage vagrancy.

Among the special classes for which there is only inadequate provision or none at all are the chronic insane, retained in almshouses, epileptics, some of whom are in the state insane hospital, imbeciles who cannot be cared for in Lakeville or have been discharged from there, incurables of all ages, and those who need a reformatory but are too old for the boys' school.

It is at least questionable if the policy of the state in

not differentiating more closely between the reform schools and the county homes and in withdrawing from boys committed to the latter the guardianship of the school at the age of sixteen, is wise. Certainly the inability of the school to provide for those who are unfit to remain but who ought to be cared for otherwise than in their own homes is fatal to the best interests of many. It is doubtful if, even at the present time, there is adequate oversight of those who have been placed out in homes by the schools or county homes, while the county homes have been allowed to become too large, either through unwise commitments or through neglect to place children in families. Much may be said against the power of the county boards to transfer their wards to private and sectarian institutions and have them supported there at the expense of the state.

The policy of the state regarding hospitals is not clearly the wisest, and it will be interesting to watch the result of the recent law for the relief of soldiers in their homes.

Perhaps one of the greatest imperfections is the utter failure of Connecticut to deal successfully with the tramp problem. There is not a true workhouse in the state. With some of the jails as crowded as they are, vagrants cannot be sent to them. In a few towns they are committed to the almshouses. There is no clear legal warrant for this and it is unfair to the real paupers. Meantime Connecticut is feeding tramps and passing them on.

There has been steady progress in the development of the Connecticut poor law from the early colonial period until the present time.

The early laws of settlement were designed to keep out of the towns undesirable persons. No freedom of residence was allowed. Fines were imposed for entertaining strangers and for remaining in towns without permission. After 1682 strangers might be removed by the constables.

Soon there was a change. A law of 1719 forbade the removal of those who had resided in a town for one year without warning or prosecution. Connecticut citizens were given freedom of residence in 1770, provided they secured from their towns certificates stating that they were inhabitants there. In 1792 it was enacted that no inhabitant of a Connecticut town might be removed so long as he and his family did not become public charges, and after a self-supporting residence of six years, a settlement was secured in the town of residence. Since then there has been entire freedom of residence for inhabitants of Connecticut. This is now true of all residents of Connecticut, except that an inhabitant of another state may be removed within one year of his arrival in the town, if he becomes chargeable. While persons may still be admitted to settlements by vote of towns or by consent of local officials, practically all settlements now rest upon a self-supporting residence of four years.

The obligation of blood relatives to support one another was first imposed in 1715 in the case of the insane. In 1739 the law was extended to apply to all in need, and to this day parents, grandparents, children, and grandchildren may be required by the courts to furnish necessary support for one in need. In 1867 the same duty was imposed upon husbands, while in 1873 there was granted a method of securing relief from such enforced contributions whenever the relatives were being impoverished or were contributing more than was necessary. Since 1769 a legatee of a man dying without issue may be called upon to aid his needy widow to the extent of the legacy. The revision of 1902 provided relief for a legatee who is called upon for more than is necessary or more than the amount received. Before 1854 the duty of supporting children after their parents had been divorced was laid by the courts

upon the father. Since then the burden has been divided between the two parents in proportion to their financial abilities.

At an early day attempts were made to prevent pauperism through idleness or the mismanagement of property. In 1673 selectmen were given authority to bind out to service those who were idle, and in 1719 to take into their control the persons and property of all such. After 1750 they might first appoint, for one in danger of wasting his estate, an overseer, who had the duty of superintending his concerns and of consenting to all contracts or conveyances of property. Selectmen still retain this power, though it is rarely, if ever, exercised. Instead, there is appointed a conservator, who has entire charge of the person and property of his ward. Before 1750 the courts had had authority to use the property of insane persons for their support. By the revision of that year, the courts were empowered to appoint a conservator for any one incapable of managing his affairs, though they might still continue to care for his property themselves. This latter power was withdrawn in 1821 and the appointment of conservators was made obligatory. Acts of 1851 and 1862 made special provisions for conservators for non-residents with property in Connecticut and for married women who own property. Since 1876 a pauper and his estate are liable to the town which aided him for a reasonable compensation for its expenditures, while by a statute of 1885 any one applying for relief may be compelled to make a full disclosure of his financial condition. Since 1831 a limited amount of personal property left by a deceased pauper may be sold by selectmen unless administration is taken out within a specified time.

In 1676 a law was passed by which local officials could forbid the sale of liquor to one who was in danger of

pauperism through drunkenness. This was repealed in 1702, but a similar provision was made in the revision of 1821. Since 1872 parents, children, husbands, and wives may secure a notice forbidding saloon-keepers to furnish liquor to their children, parents, wives, and husbands. By an act of 1887, selectmen are supposed every six months to make a list of all persons recently aided and to forbid the sale of liquors to them. The first institution for the cure of dipsomaniacs was chartered in 1868, the present law relating to the commitment and discharge of patients dating from 1874.

The bastardy law proper has remained substantially the same for over two centuries. Since 1673 there has been no departure from the principle of joint support by the mother and putative father. From 1702 until 1902 the examination of the mother in time of travail was essential to making a *prima facie* case under the statute. Towns were first empowered to bring suit against a father for the support of his illegitimate child by the revision of 1784. Penalties were imposed for concealing the death of a bastard, in 1699; for being secretly delivered of a bastard, in 1808; for unnecessarily producing a miscarriage, in 1830; for seduction, in 1847; for using means to prevent conception, in 1879, and there have been penalties for fornication from the earliest period.

It has been the duty of each Connecticut town since 1673 to care for its own poor, though the legal methods have varied from time to time. From 1702 until 1821 selectmen were limited in the amount they might expend for outdoor relief without judicial or other permission. The maintenance of town almshouses was first authorized in 1813. In 1886 towns were forbidden to enter into any contract for the care of their poor. This had been a popular method for many years.

For those without settlements in the town of residence, the provisions have differed. By an act of 1673, towns were made responsible for all who had resided there for three months without being warned and who later became ill. By extending, in 1739, the application of the insanity law and, in 1750, that of the law for the care of those sick with contagious diseases, the colony assumed large responsibility for paupers without settlements in Connecticut. This led to abuses, and after 1820 such aid could never be extended by the state to one who was born in Connecticut or an adjoining state or who had ever been an inhabitant of a Connecticut town. From 1821 the state was liable only in cases of sickness beginning within three months of the person's arrival in a town, provided due warning had been given, or extending beyond that period and rendering his removal unsafe. Since 1885 the state's liability for unsettled persons has been confined to the first six months of their residence in the state. It cares for these either through the contractor for state poor or through the towns of residence, reimbursing these towns for their expenditures at the close of the six months' period. In 1851 the state assumed responsibility for released convicts without settlements, and to-day this liability extends for six months from the time of their release.

The first law for the reimbursement of one town by another for aid extended to one of the latter's paupers was passed in 1711. Since 1818 town officials have been compelled to relieve every case of need when notified of its existence. Ten years later, the duty of giving decent burial to paupers belonging to other towns was imposed, and in 1875 this was made to apply to all without settlements in the state.

In 1873 the state board of charities was organized to

have general supervision over the administration of the laws for the care of the dependent and delinquent classes.

Since 1650 the poor have been exempted from the poll tax, but since 1793 this exemption has been limited to one-tenth of the taxable polls. In 1823 the power to abate town taxes for those unable to pay was conferred upon the local officials, who had had, at least since 1784, power to abate a portion of the state tax. This latter power was withdrawn in 1866. At present there is no direct state tax whatever, and hence the loss of this power is unimportant.

Closely coupled with the early laws of settlement were those against vagrancy. An act of 1682 provided for the return by local authorities of vagrants found within their jurisdiction. In 1713 the county jails were constituted houses of correction, to which wanderers might be sentenced. In 1727 the erection of a colony workhouse was ordered. In 1750 the counties were directed to provide workhouses. In 1813 this power was granted to the towns and in 1821 it was withdrawn from the counties. In 1841 it was enacted that jails might be fitted for use as workhouses, while in 1878 every jail was required to become a workhouse. A year later it was enacted that vagrants from outside of Connecticut might be sent to prison. In spite of these experiments, the problem of the tramp is far from solution, probably from the operation of the following causes: the lack of true workhouses and of efficient legal machinery for dealing with the problem, the expense of securing convictions under the workhouse law, and the severity of the penalties.

Liberal provisions are now made for the sick. The first public hospital was chartered in 1826. In 1854 the state began its policy of assisting in the maintenance of hos-

pitals, and a year later made its first appropriation for the erection and enlargement of such institutions.

The care of the insane has attracted much attention. The first law was passed in 1699, and authorized town officials to put out to service or otherwise provide for such sufferers, when they had no relatives to care for them. The workhouse act of 1727 permitted the commitment to the workhouse of the insane. In 1793 it was made the duty of the local officials to confine the dangerous insane, while those acquitted on a criminal charge on the ground of insanity were to be supported in jail. In 1822 and 1824 charters were granted for the first insane hospital, the Retreat for the Insane in Hartford. Beginning in 1842, the governor was given an annual appropriation to be used for the treatment of insane paupers. Since 1855 the state has assisted the towns in the care of their insane. In 1866 the assembly ordered the erection of the state insane hospital in Middletown and in 1903 provided for a second institution, in Norwich. Comprehensive laws for the commitment and discharge of inmates were first passed in 1869. The criminal insane have been cared for in various ways, chiefly at the prison or state hospital.

The state has never erected an institution for the care of the feeble-minded, but since 1860 has used the school at Lakeville started in 1859 by Dr. Knight. It is a private, state-aided school.

In 1829 selectmen were given the duty of making annual returns to the governor of the deaf, dumb, and blind persons in their towns. In 1837 the state began to educate in private institutions promising deaf and dumb persons, and the same method was used for the blind from 1838, in each case the expenditure being entrusted to the governor. Since 1893 the duty of caring for the blind has been in the hands of the state board of education for the

blind, which has used chiefly the Connecticut institute for the blind, started in 1893. It is empowered to secure education and training for blind persons in the state and also, under certain conditions, to make grants to start them in business.

Wounded and disabled soldiers have always been cared for by Connecticut. The first pension law was passed in 1676, to provide for those wounded in King Philip's War. The state pension law, for the relief of those disabled in the service of the state, dates from 1821. The present statutes include an act of 1869 for certain exemptions from taxation for veterans, an act of 1889 giving veterans preferment in public employment, and a statute of 1895 relieving such from peddlers' licenses. They provide, under the direction of the soldiers' hospital board, created in 1878, for the medical care of needy veterans, for their support in Fitch's home or, under certain conditions, in their own homes, for the relief of their families by town authorities, for their burial, and the suitable marking of their graves. An act of 1866 provided a bounty for needy soldiers' orphans, and from 1864 to 1875 there was maintained, with state aid, a home for these children.

The methods of caring for neglected and needy children have been greatly changed from time to time. In the colonial period all such were bound out as apprentices. This was first authorized in 1650. In 1813 the first orphan asylum was chartered, and by acts of 1850 and 1868 the town officials were empowered to indenture their needy children to charitable societies. The boys' school in Meriden, founded in 1851, and the girls' industrial school at Middletown, dating from 1868, while designed for the reform of incipient criminals, have been used for the care of neglected minors. Since 1883, each county has maintained, largely at state expense, a temporary home for the

care of children between four and eighteen, whose presence in almshouses has been made illegal. The purpose of the homes is to serve as places of refuge and distributing stations for children without suitable family care, but the children have not been placed in homes as rapidly as was expected. The state also uses a private home for incurables in Newington for those excluded from the county homes. While the laws of apprenticeship are practically dead, children are frequently given in adoption, this being first authorized in 1864. Early colonial laws aimed to secure a sufficient education for all children. When factories were started, the employers were required, by an act of 1813, to perform the duty of parents in this regard for all minors indentured to them. Since 1865 and 1869 the compulsory education and truancy laws have had the same purpose in view.

The whole growth of the Connecticut poor law has been in the direction of closer and more numerous differentiations, coupled with the increase of state activity, to secure necessary care for those requiring specialized treatment.

CHAPTER VI

CONCLUSION

The historical development of the poor law of Connecticut is interesting because the law is perhaps the best instance there is in the United States of the town system. Its excellencies and its defects grow out of the fact that the activity of state and county has been reduced to the minimum.

The experience of Connecticut seems to indicate that the town system is practicable for the care of the true pauper but inadequate for providing for special classes. The whole trend since 1837 has been in the direction of increased activity by the state, and in nearly every instance this has been done to secure specialized treatment.

The advantage of the town system is that it places the responsibility upon the local community, which knows more about the needs and character of individuals than can any central body. There is no elaborate and cumbersome administrative machinery to call for large sums of money and to be used on a large scale by state politicians. So long as towns pay the bills, there will be little extravagance, except in one particular to be noted presently. In fact, Connecticut experience indicates that there may be an improper reluctance to incur expense, though this is true less often in connection with town relief proper than with institutional support at town expense.

On the other hand, town officials are not able to give adequate care to those who do not belong in almshouses.

In a small town the maintenance of an almshouse is out of the question and it is necessary to aid the few paupers in their own homes or to board them with individuals. Outdoor relief is widely used in Connecticut, not only in these towns, where it is the most economical method, but in other places where it is utterly inexcusable, save in rare instances, and where its influence is to encourage dependence upon the public treasury. This seems almost inevitable in a town system.

Where the work is entrusted to the local community, the public charities are not used by state politicians, but they are used by town politicians, and for this reason it is difficult to secure the wisest economy, especially in the matter of outdoor relief.

Where the town idea is as strong as it is in Connecticut, it is almost impossible to secure adequate supervision, though the town system calls for it. The state board of charities has never been given, and it has feared to request, the authority it really needs in order to remove abuses in local administration. So far as towns are concerned, it is little more than an advisory body, whose suggestions may or may not be carried out. Even in the matter of securing statistics and the keeping of records by town officials, it has too little power.

The town system breaks down in the case of those who require something besides ordinary relief. There is great need of differentiation, and here is where the Connecticut system has proved the weakest. Even regarding the primary distinction between pauper and vagrant, the towns will not act. There have been a few town workhouses in the state, but there are none now and there have not been for many years. Instead, the tramp is either sentenced to the almshouse, or committed to jail, or passed on, and is not in any case adequately punished, much less reformed.

The larger towns can give something like proper treatment to the insane, *etc.*, because they have enough of them to make it an object. The small town, on the other hand, can do nothing of the sort, and as almshouse support is cheapest, is unwilling ordinarily to send the pauper to a hospital or asylum until compelled to do so. This is the reason the state has had to take the initiative and provide itself for defectives of all sorts. In the matter of children, instead of erecting a state home, it assigned the duty to the counties, though under the present law the state pays most of the bills.

The state board of charities believe that a district system of relief would prevent the dangers inherent in the town system and at the same time avoid the difficulty of too great centralization. I think the experience of Connecticut indicates that they are correct, but until the temper of the average Connecticut town changes radically, there is little chance that this will be done.

Connecticut has not made large use of state institutions and its experience with them has not been altogether a happy one. While the state insane hospital has been well managed, the other state institution, the boys' school, has been very far from the ideal. On the other hand, the girls' school and the school for imbeciles, both under private corporations, have been well conducted. It is very likely that the expense has been less than it would have been under state control. When it comes to more general institutions, like hospitals, the development of the last twenty-five years has pointed to the conclusion that when once subsidies are granted, there is no stopping. The aid will increase and new claimants for assistance will appear. It is next to impossible to proportion the amounts to the actual services performed. The growth of the county homes and the clamorous demands of private asylums for state money point in the same direction.

BIBLIOGRAPHY

Records of the Colony and Plantation of New Haven, from 1638 to 1649. Hartford, 1857. (*N. H. Col. Rec.*, i.)

Records of the Colony or Jurisdiction of New Haven, from May, 1653, to the Union. Hartford, 1858. (*N. H. Col. Rec.*, ii. Includes Code of 1656.)

New Haven's Settling in New England, and Some Laws for Government. Published for the use of that colony. London, 1656. Hartford (reprint), 1858.

Hartford Town Votes. Vol. i, 1635-1716. Collections of the Connecticut Historical Society, vol. vi. Hartford, 1897. (*Hart. Town Votes.*)

The Public Records of the Colony of Connecticut. 15 vols. Hartford, 1850-1890. (*Col. Rec.* April, 1636, to June, 1776.)

The Public Records of the State of Connecticut. 2 vols. Hartford, 1894, 1895. (*State Rec.* October, 1776, to April, 1780.)

Records of the State of Connecticut (manuscript). Vols. ii-iv. (*MSS. State Rec.* April, 1780, to May, 1792. The records of each session have separate pagination.)

The Laws of Connecticut. Reprint of original edition of 1673. Hartford, 1865. (1673.)

Acts and Laws of His Majesties Colony of Connecticut in New England. Facsimile reprint of edition of 1702, by the Acorn Club, Hartford, 1901. (1702.)

Acts and Laws of His Majesties Colony of Connecticut in New England. New London, 1715. (*A. and L.* Revision of 1702 and session laws through October, 1733.)

Acts and Laws of His Majesty's English Colony of Connecticut in New-England, in America. New London, 1750. (1750; *A. and L.* Revision of 1750 and session laws through January, 1769.)

Acts and Laws of His Majesty's English Colony of Connecticut, in New-England, in America. New Haven and New London, 1769. (1750; *A. and L.* Revision of 1750 and session laws through May, 1782.)

Acts and Laws of the State of Connecticut, in America. New Lon-

don, 1784. (1784; *A. and L.* Revision of 1784 and session laws through May, 1795.)

Acts and Laws of the State of Connecticut, in America. Hartford, 1805. (1796; *A. and L.* Revision of 1796 and session laws through May, 1808.)

The Public Statute Laws of the State of Connecticut. Book I. Hartford, 1808. (1808. Statutes divided into titles, chapters, and sections, with dates of enactment, foot-notes and full index.)

Public Statute Laws of Connecticut. Book II. Commencing October Session, 1808. (October, 1808, to May, 1820.)

Public Statute Laws of the State of Connecticut. Hartford, 1822-1835. (May, 1822, to May, 1835.)

Public Statute Laws of the State of Connecticut, Revision of 1821. Hartford, 1821. (1821.)

Public Statute Laws of the State of Connecticut. Hartford, 1835-1838. (Compilation of 1835 and sessions of 1836-37 and 1838.)

Public Statute Laws of the State of Connecticut. Revision of 1838. Hartford, 1839. (1838.)

Public Acts of the State of Connecticut. Hartford or New Haven, 1839-1848. (Sessions 1839-1848.)

The Revised Statutes of the State of Connecticut. Hartford, 1849. (1849. Revision of 1849.)

Public Acts . . . of the State of Connecticut. Hartford or New Haven, 1849-1854. (1849-54.)

The Statutes of the State of Connecticut. New Haven, 1854. (1854. Compilation of 1854.)

Public Acts . . . of the State of Connecticut. Hartford or New Haven, 1855-1865. (1855-58 and 1859-65 bound in two volumes.)

The General Statutes of the State of Connecticut. New Haven, 1866. (1866. Revision of 1866.)

Public Acts . . . of the State of Connecticut. Hartford, 1866-1871. (1866-71 with continuous pagination.)

Public Acts . . . of the State of Connecticut. Hartford, 1872-1874. (1872-74 with continuous pagination.)

The General Statutes of the State of Connecticut. Hartford, 1875. (1875. Revision of 1875.)

Public Acts . . . of the State of Connecticut. Hartford, 1875-1880. (Sessions of 1875-80 with continuous pagination.)

Public Acts . . . of the State of Connecticut. Hartford, 1881-1887. (Sessions of 1881-87 with continuous pagination.)

The General Statutes of Connecticut; Revision of 1887; In force January First, 1888. Hartford, 1887. (1888.)

Public Acts . . . of the State of Connecticut. Hartford, 1889, 1893,

1895, 1897, 1899, 1901. (Sessions of these six years with continuous pagination.)

The General Statutes of Connecticut. Revision of 1902. Hartford, 1902.

Public Acts . . . of the State of Connecticut. Hartford, 1903. (Session of 1903.)

Resolves and Private Laws of Connecticut. 1789-1836. 2 vols. bound together. Hartford, 1837. (*Private Laws*, i and ii. Laws arranged according to classes, with omission of preambles, *etc.* Continuous pagination.)

Resolves and Private Acts of the State of Connecticut. Hartford, 1837-1841.

Resolutions and Private Acts . . . of the State of Connecticut. Hartford, 1842-1858.

Private Acts and Resolutions . . . of the State of Connecticut. Hartford, 1859-1869.

Special Acts and Resolutions . . . of the State of Connecticut. Hartford, 1870-1880.

(*P. A.* and *S. A.* Separate pagination. Bound into volumes, 1837-44, 1845-49, 1850-54, 1855-58, 1859-64, 1865-68, 1869-72, 1873-77, 1878-80.)

Special Acts and Resolutions . . . of the State of Connecticut. Vols. ix-xiii. Hartford, 1881-1901. (*S. A.* Vol. ix, 1881-84; x, 1885-89; xi, 1893; xii, 1895, 1897; xiii, 1899, 1901.)

Special Acts and Resolutions . . . of the State of Connecticut. Vol. xiv, part 1. Hartford, 1903. (*S. A.* Session of 1903.)

Kirby's Reports, 1785 to May, 1788. Ephraim Kirby, Esq. Litchfield, 1789. ("Reports of Cases Adjudged in the Superior Court, . . . with Some Determinations in the Supreme Court of Errors.")

Root's Reports. Judge Jesse Root. 2 vols. Hartford, 1798, 1802. (Cases adjudged in the Superior Court and Supreme Court of Errors, July, 1789, to January, 1798, with some earlier cases.)

Day's Reports. Thomas Day. 5 vols. Hartford, 1806-1823. (Cases determined in the Supreme Court of Errors, 1802-13.)

Connecticut Reports. 76 vols. Hartford, 1817-1904. (Cases determined in the Supreme Court of Errors, 1814-1904.)

Revision of Baldwin's Connecticut Digest. George E. Beers. 2 vols. Hartford, 1900. (Reports of cases decided in the Supreme and Superior Courts and the United States Courts for the District of Connecticut.)

Constitutions of Connecticut. Hartford, Printed by Order of the Comptroller, 1901.

The Register and Manual of the State of Connecticut. Issued annually since 1785, with slight variations in title.

Report of the Committee on the Insane Poor in Connecticut to the General Assembly, May Session, 1838. New Haven, 1838.

Report of the Committee Relative to the Insane Poor of the State. May Session, 1839. Hartford, 1839.

Report of Directors of the Connecticut Retreat for the Insane. MDCCCXL. Hartford, 1840.

Report of the Committee for Locating a Site for a Hospital for Insane Poor. May Session, 1840. New Haven, 1840.

Report of the Select Joint Committee on the Insane Poor. General Assembly, May Session, 1841. Hartford, 1841.

Report of the Commissioners [Gov. Joseph Trumbull] for the Insane Blind, Deaf and Dumb, and for the Insane Poor, to the General Assembly, May, 1850. Document 8. New Haven, 1850.

Reports of the Commissioner [Gov. Seymour] for the Indigent Blind, Deaf and Dumb, and Insane Poor, to the General Assembly, May Session, 1851. Hartford, 1851.

Report [to Gov. Seymour] of the Superintendent of the Retreat. April 1, 1851. (Included in preceding report.)

Report of the Joint Select Committee on State Reform School, with a Bill in Form. New Haven, 1850, 1851.

Report of the Committee Appointed by the last General Assembly upon the Subject of Town and State Paupers. Document 6. New Haven, 1852.

Report of the Joint Select Committee on State Humane Institutions on so much of the Governor's Message as Relates to the Idiotic. Document 8. 1855.

Report of the Commissioner of the Fund for the Insane to the General Assembly, May Session, 1855. Hartford, 1855.

Report of the Commissioners on Idiocy to the General Assembly of Connecticut. May Session, 1856. New Haven, 1856.

Statement of Moneys Appropriated for Benevolent Purposes and Paid Out of the State Treasury, for the years ending 1853, 4, 5, 6, & 7. Legislative Documents (no. 20), 1857.

Report of the Joint Special Committee on the State Reform School, with Bill for a Public Act. Hartford, 1857.

Report of the Commissioners of Enquiry Respecting a State Industrial School for Connecticut. Presented to the General Assembly at the May Session, 1867. Hartford, 1867.

Report of Committee on Incurable Insane. Appointed, May Session, 1865. Hartford, 1867. (Presented 1866.)

Report of the Committee on Penal Treatment of Inebriates and

Vagrants, made to the General Assembly, May Session, 1875. Hartford, 1875.

Report of the Commission to Revise the Pauper Laws. Hartford, 1875.

The Soldiers' Orphans' Home. Report of Committee on Humane Institutions. January Session, 1877.

Message of the Governor [Hubbard] and Report of the Commission on the Administration of State Charities and on Further Provision for Support of Insane Poor. Made to the General Assembly . . . January 26, 1877. Hartford, 1877.

Report of the Commission on Further Accommodations for the Insane Poor. January, 1879. Hartford, 1879.

Report of Committee on Further Accommodation for the Insane. Hartford, 1893.

Report of the Commission Appointed by the General Assembly of 1897 to Investigate the Necessity of Additional Accommodations for the Insane, *etc.* Hartford, 1899.

Report of the Committee to Inquire into all Matters Relating to State Receipts and Expenditures. February 1, 1899. New Haven, 1899.

Reports of the Board of Education of the Blind, 1898, 1900.

Reports of the State Board of Charities. 1881-1902.

Reports of the Comptroller. 1850-1903.

Report of the President and Directors of the General Hospital Society to the General Assembly, May 1, 1850. New Haven, 1850.

Report of the Superintendent of the School for Imbeciles at Lakeville, Conn. Hartford, 1861.

Reports of the Connecticut School for Imbeciles at Lakeville. 1862-1902.

Reports of the Board of Trustees of the General Hospital for the Insane of the State of Connecticut. 1867-1874.

Reports of Connecticut Hospital for the Insane. 1875-1902.

Reports of the Connecticut Industrial School for Girls. 1870-1902.

Reports of Connecticut Prison Association, 1879 and 1904.

Twenty-seventh Annual Report of the Officers of the Retreat for the Insane, at Hartford, Conn. April, 1851. Hartford, 1851.

Report of the Soldiers' Hospital Board to the Comptroller. Hartford, 1889. (For the fiscal year 1888.)

Report of the Directors and Superintendent of the Connecticut Soldiers' Orphan Home for the year ending March 31, 1872. Hartford, 1872.

Reports of the Connecticut Soldiers' Orphans' Home. Hartford, 1873, 1874, 1875.

Reports of Trustees of the Connecticut State Reform School. 1853-1893.

Reports of the Board of Trustees of the Connecticut School for Boys. 1894-1902.

Fourth Annual Report of the Officers and Superintendent of the Asylum at Walnut Hill, Hartford. Hartford, 1878.

[Most of the reports here given are found in the bound volumes of messages and reports issued annually under a varying title. Those cited are the ones of greatest value to this study, but the list is not exhaustive.]

Report of the Special Committee on Outdoor Alms of the Town of Hartford, A. D. 1891. Hartford, 1891.

Acts and Resolves of the Province of the Massachusetts Bay. Vol. i. 1692-1714. Boston, 1869.

The New England States. William T. Davis, editor. Boston, 1897.

Connecticut. A Study of a Commonwealth-Democracy. Alexander Johnston. American Commonwealth Series. Boston and New York, 1898.

History of New England, During the Stuart Dynasty. John Gorham Palfrey. 3 vols. Boston, 1865.

The Memorial History of Hartford County, 1633-1884. J. H. Trumbull, editor. 2 vols. Boston, 1886.

Memorial History of Boston. Justin Winsor. 4 vols. Boston, 1881.

INDEX TO DECISIONS CITED

I. BY TITLES

Anderson *v.* State (1876, 43 *Conn.*, 514) 372
Backus *v.* Dudley *et al.* (1821, 3 *Conn.*, 568) 113, 143, 145
Baker *v.* Potter *et al.* (1883, 51 *Conn.*, 78) 290
Barkhamsted *v.* Farmington (1818, 2 *Conn.*, 600) 102
Barkhamsted *v.* Parsons (1819, 3 *Conn.*, 1) 109
Beacon Falls *v.* Seymour (1875, 43 *Conn.*, 217) 281
Beacon Falls *v.* Seymour (1876, 44 *Conn.*, 210) 327, 329
Beacon Falls *v.* Seymour (1878, 46 *Conn.*, 281) 329
Benedict *v.* Roberts (1797, 2 *Root*, 496) 132
Bennet *v.* Canterbury (1854, 23 *Conn.*, 356) 243
Bennet *v.* Hall (1815, 1 *Conn.*, 417) 132
Benton *v.* Starr (1890, 58 *Conn.*, 285) 315
Bethany *v.* Oxford (1843, 15 *Conn.*, 550) 179
Bethlehem *v.* Watertown (1879, 47 *Conn.*, 237) 331
Bethlem *v.* Watertown (1883, 51 *Conn.*, 490) 175, 326, 327, 329
Bethlehem *v.* Roxbury (1850, 20 *Conn.*, 298) 179, 180
Bolton *v.* Haddam (1797, 2 *Root*, 517) 115
Booth *v.* Hart (1876, 43 *Conn.*, 480) 315
Bozrah *v.* Stonington (1822, 4 *Conn.*, 373) 114
Bridgeport *v.* Trumbull (1871, 37 *Conn.*, 484) 177, 212
Bridgewater *v.* Roxbury (1886, 54 *Conn.*, 213) 331
Bristol *v.* New Britain (1898, 71 *Conn.*, 201) 330
Brown *v.* Eggleston *et al.* (1885, 53 *Conn.*, 110) 302
Burden *v.* Skinner (1808, 3 *Day*, 126) 169
Camp *v.* Carroll (1900, 73 *Conn.*, 247) 314
Campbel *v.* Crandal (1796, 2 *Root*, 371) 121
Canaan *v.* Salisbury (1790, 1 *Root*, 155) 115
Canton *v.* Burlington (1890, 58 *Conn.*, 277) 328
Canton *v.* Burlington (1892, 61 *Conn.*, 589) 178, 328
Canton *v.* Simsbury (1886, 54 *Conn.*, 86) 282
Chalker *v.* Chalker (1814, 1 *Conn.*, 79) 123
Chaplin *v.* Hartshorne (1825, 6 *Conn.*, 41) 130, 131

Cheesborough *v.* Baldwin (1790, 1 *Root*, 229).....129, 132
Cheshire *v.* Burlington (1863, 31 *Conn.*, 326)..... 178
Clark *v.* Whitaker *et al.* (1847, 18 *Conn.*, 543)..... 198
Clement *v.* Wheeler (1796, 2 *Root*, 466)..... 168
Cleveland's Appeal (1899, 72 *Conn.*, 340)..... 299
Clinton *v.* Haddam (1882, 50 *Conn.*, 84)..... 328
Clinton *v.* Westbrook (1871, 38 *Conn.*, 9).....177, 178
Colchester *v.* East Lyme (1847, 18 *Conn.*, 480)..... 179
Colchester *v.* Lyme (1839, 13 *Conn.*, 274)..... 180
Columbia *v.* Williams *et al.* (1820, 3 *Conn.*, 467)..... 144
Comstock *v.* Weed (1817, 2 *Conn.*, 155).....131, 132
Condon *et al. v.* Pomroy-Grace (1901, 73 *Conn.*, 607)..... 286
Connecticut Hospital for the Insane *v.* Brookfield (1897, 69 *Conn.*, 1). 373
Cook *v.* Bradley (1828, 7 *Conn.*, 57).....116, 117
Cook *v.* Morris (1895, 66 *Conn.*, 137)..... 328
Culver's Appeal (1880, 48 *Conn.*, 165)..... 301
Cunningham *v.* Cunningham (1902, 75 *Conn.*, 64)..... 287
Danbury *v.* New Haven (1825, 5 *Conn.*, 584).....109, 113, 115
Davis *v.* Salisbury (1804, 1 *Day*, 278)..... 130
Dickinson's Appeal (1875, 42 *Conn.*, 491)..... 317
Dunn's Appeal (1868, 35 *Conn.*, 82)..... 195
East Hartford *v.* Middletown (1790, 1 *Root*, 196)..... 115
East Hartford *v.* Pitkin *et al.* (1831, 8 *Conn.*, 393).....144, 145
Eastman *v.* Chapman (1802, 1 *Day*, 30)..... 168
Enfield *v.* Ellington (1896, 67 *Conn.*, 459)..... 327
Fairfield *v.* Easton (1901, 73 *Conn.*, 735)..... 282
Fairfield *v.* Newtown (1903, 75 *Conn.*, 515)..... 331
Fay *v.* Reynolds (1891, 60 *Conn.*, 217)..... 314
Fenn *v.* Bancroft *et al.* (1881, 49 *Conn.*, 216)..... 441
Fielding *v.* Jones (1871, 38 *Conn.*, 191)..... 213
Fields *v.* Law (1796, 2 *Root*, 320).....168, 169
Finch *v.* Finch (1853, 22 *Conn.*, 411).....117, 182
First National Bank *v.* Balcom (1868, 35 *Conn.*, 351)..... 178
Fish *v.* Perkins (1884, 52 *Conn.*, 200).....327, 336
Francis *v.* Lewis (1836, 11 *Conn.*, 200)..... 168
Fuller *v.* Hampton (1824, 5 *Conn.*, 416).....130, 131
Gates *v.* Bingham (1881, 49 *Conn.*, 275)..... 301
Gilbert *v.* Lynes (1795, 2 *Root*, 168)..... 116
Goshen *v.* Canaan (1868, 35 *Conn.*, 186)..... 212
Goshen *v.* Stonington (1822, 4 *Conn.*, 209)..... 145
Griswold *v.* Butler (1819, 3 *Conn.*, 227)..... 121
Griswold *v.* North Stonington (1824, 5 *Conn.*, 367).....98, 146
Guilford *v.* New Haven (1888, 56 *Conn.*, 465)..... 282

Guilford *v.* Norwalk *et al.* (1900, 73 *Conn.*, 161).....282, 283
Guilford *v.* Oxford (1832, 9 *Conn.*, 321).....114, 115
Haddam *v.* East Lyme (1886, 54 *Conn.*, 34).....179, 281
Hamden *v.* Bethany (1875, 43 *Conn.*, 212).....175, 329
Hamden *v.* Merwin (1887, 54 *Conn.*, 418)..... 316
Harris and Wife *v.* Thomas (1787, *Kirby*, 267)..... 132
Harrison *v.* Gilbert *et al.* (1899, 71 *Conn.*, 724).....113, 281, 327
Hartford *v.* Champion (1890, 58 *Conn.*, 268)..... 178
Harty *v.* Malloy (1896, 67 *Conn.*, 339).....315, 316
Hartwell *v.* New Milford (1883, 50 *Conn.*, 523)..... 401
Hayden *v.* Smith *et al.* (1881, 49 *Conn.*, 83).....299, 301
Hebron *v.* Colchester (1811, 5 *Day*, 169).....98, 113, 114
Hebron *v.* Marlborough (1816, 2 *Conn.*, 18)..... 115
Hebron *v.* Marlborough (1819, 3 *Conn.*, 209)..... 112
Hewit *v.* Morgan (1796, 2 *Root*, 363)..... 168
Hinman *v.* Taylor (1817, 2 *Conn.*, 357)..... 129
Hitchcook *v.* Grant (1788, 1 *Root*, 107)..... 131
Holly *v.* Lockwood (1814, 1 *Conn.*, 180)..... 146
Hollister *v.* White *et al.* (1817, 2 *Conn.*, 338)..... 130
Hopkins *v.* Plainfield (1828, 7 *Conn.*, 286).....129, 130, 131, 132
Huntington *v.* Oxford (1810, 4 *Day*, 189).....111, 167
Hutchins *v.* Johnson (1837, 12 *Conn.*, 376).....120, 121
Johnson's Appeal (1899, 71 *Conn.*, 590)..... 302
Johnson *v.* Huntington (1804, 1 *Day*, 212).....113, 114
Johnson *v.* Stanley *et al.* (1791, 1 *Root*, 245)..... 124
Johnson *v.* Terry (1867, 34 *Conn.*, 259)..... 272
Judson *v.* Blanchard (1821, 3 *Conn.*, 579)..... 132
Judson *v.* Blanchard (1823, 4 *Conn.*, 557).....131, 132
Kent *v.* Chaplin (1825, 6 *Conn.*, 72).....135, 144
King *v.* Brockway (1794, 2 *Root*, 86)..... 167
Knapp *v.* Lockwood (1808, 3 *Day*, 131)..... 123
Leavenworth *v.* Kingsbury (1806, 2 *Day*, 323)..... 146
Lebanon *v.* Hebron (1825, 6 *Conn.*, 45).....111, 114
Lewis *v.* Wildman (1803, 1 *Day*, 153)..... 168
Lisbon *v.* Franklin (1792, 1 *Root*, 423)..... 110
List *v.* Miner (1901, 74 *Conn.*, 50)..... 317
Litchfield *v.* Farmington (1828, 7 *Conn.*, 100)..... 145
Lockwood *v.* Smith *et al.* (1812, 5 *Day*, 309)..... 124
Looby *v.* Redmond *et Ux.* (1895, 66 *Conn.*, 444)..... 301
Lyme *v.* East Haddam (1841, 14 *Conn.*, 394)..... 210
Mack *v.* Parsons *et al.* (1786, *Kirby*, 155)..... 116
Manion *v.* Flynn (1872, 39 *Conn.*, 330)..... 205
Mansfield *v.* Granby (1790, 1 *Root*, 179)..... 112

Marlborough *v.* Chatham (1883, 50 *Conn.*, 554).....323, 328
Marlborough *v.* Hebron (1816, 2 *Conn.*, 20).....112, 115, 117
Marlborough *v.* Sisson *et al.* (1854, 23 *Conn.*, 44)..... 213
McCarthy *v.* Hinman (1869, 35 *Conn.*, 538)..... 211
McDonald *v.* Hobby *et al.* (1790, 1 *Root*, 154)..... 131
Merriam *v.* Bissel (1796, 2 *Root*, 378)..... 169
Merwin *et al.* Appeal (1899, 72 *Conn.*, 167)..... 302
Middlebury *v.* Bethany (1864, 32 *Conn.*, 71).....112, 114, 176
Middletown *v.* Berlin (1846, 18 *Conn.*, 189).....179, 212
Middletown *v.* Lyme (1823, 5 *Conn.*, 95)..... 112
Mix *v.* Peck *et al.* (1839, 13 *Conn.*, 244)..... 198
Morris *v.* Plymouth (1867, 34 *Conn.*, 270).....112, 177, 212, 280
Naugatuck *v.* Bennett (1883, 51 *Conn.*, 497)..... 314
Naugatuck *v.* Middlebury (1850, 20 *Conn.*, 378)..... 179
Naugatuck *v.* Smith (1885, 53 *Conn.*, 523).....129, 313, 314
Nettleton's Appeal (1859, 28 *Conn.*, 268).....120, 185, 195
New Hartford *v.* Canaan (1884, 52 *Conn.*, 158).....282, 327
New Hartford *v.* Canaan (1886, 54 *Conn.*, 39)..... 282
New Haven *v.* Bridgeport (1897, 68 *Conn.*, 588)..... 282
New Haven *v.* Huntington (1852, 22 *Conn.*, 25)..... 180
New Haven *v.* Newtown (1837, 12 *Conn.*, 165)..... 115
New Haven *v.* Rogers (1864, 32 *Conn.*, 221)..... 205
New Milford *v.* Sherman (1851, 21 *Conn.*, 101)..176, 177, 178, 211, 212
Newtown *v.* Danbury (1821, 3 *Conn.*, 553).....116, 144, 145
Newtown *v.* Fairfield (1847, 18 *Conn.*, 350)..... 115
Newtown *v.* Stratford (1821, 3 *Conn.*, 600)..... 114
Nichols *v.* Sherman and Foot (1792, 1 *Root*, 361)..... 116
Norfolk *v.* Gaylord (1859, 28 *Conn.*, 309)..... 205
North Stonington *v.* Stonington (1863, 31 *Conn.*, 412)..... 178
Norton *v.* Strong (1814, 1 *Conn.*, 65).....120, 195
Norwich *v.* Hyde (1829, 7 *Conn.*, 529)..... 144
Norwich *v.* Saybrook (1824, 5 *Conn.*, 384)..... 111
Norwich *v.* Windham (1790, 1 *Root*, 232)..... 109
Old Saybrook *v.* Milford (1903, 76 *Conn.*, 152).....327, 329
Oxford *v.* Bethany (1842, 15 *Conn.*, 246).....179, 180
Oxford *v.* Bethany (1848, 19 *Conn.*, 229).....115, 180
Oxford *v.* Woodbridge (1808, 3 *Day*, 224)..... 112
Paddock *v.* Higgins (1795, 2 *Root*, 316)..... 168
Paddock *v.* Higgins (1796, 2 *Root*, 482)..... 168
Palmer *v.* Cheseboro (1887, 55 *Conn.*, 114).....121, 302
Parmalee *v.* Baldwin *et al.* (1815, 1 *Conn.*, 313)..... 124
Penfield *v.* Norton (1791, 1 *Root*, 345)..... 131
Peters *v.* Litchfield (1867, 34 *Conn.*, 264)..... 211

Peters *v.* Lord (1847, 18 *Conn.*, 337) 272
Petition of Ruth Butler (1792, 1 *Root*, 426) 123, 198
Plymouth *v.* Waterbury (1863, 31 *Conn.*, 515) 177
Porter *v.* Ritch *et al.* (1898, 70 *Conn.*, 235) 373
Reading *v.* Weston (1828, 7 *Conn.*, 143) 110
Reading *v.* Westport (1849, 19 *Conn.*, 561) 178
Reynolds *v.* Howe (1883, 51 *Conn.*, 472) 428
Ridgefield *v.* Fairfield (1900, 73 *Conn.*, 47) 177, 281, 282
Riggs *v.* Zaleski (1876, 44 *Conn.*, 120) 121
Robbins *v.* Smith (1879, 47 *Conn.*, 182) 315
Salem *v.* Lyme (1860, 29 *Conn.*, 74) 177, 178
Salem *v.* Montville (1865, 33 *Conn.*, 141) 212
Salisbury *v.* Fairfield (1789, 1 *Root*, 131) 111, 113
Salisbury *v.* Harwinton (1796, 2 *Root*, 435) 146
Sanford *v.* Hayes (1849, 19 *Conn.*, 591) 196
Sears *v.* Terry (1857, 26 *Conn.*, 273) 184
The Security Co. *v.* Pratt *et al.* (1894, 65 *Conn.*, 161) 301
Seymour *v.* Belden (1859, 28 *Conn.*, 443) 128
Sharon *v.* Salisbury (1860, 29 *Conn.*, 113) 213
Sherman *v.* Nichols (1791, 1 *Root*, 250) 116
Shields *v.* O'Reilly (1896, 68 *Conn.*, 256) 443
Simsbury *v.* East Granby *et al.* (1897, 69 *Conn.*, 302) 316
Simsbury *v.* Hartford (1841, 14 *Conn.*, 192) 179, 180
Snow *et al. v.* Antrim (1786, *Kirby*, 174) 121
Somers *v.* Barkhamstead (1791, 1 *Root*, 262) 113
Somers *v.* Barkhamstead (1792, 1 *Root*, 398) 111
Spalding *v.* Butts *et al.* (1824, 5 *Conn.*, 427) 120, 195
Spalding *v.* Butts (1825, 6 *Conn.*, 28) 120
Spalding *v.* Fitch (1791, 1 *Root*, 319) 132
Spencer *v.* Overton (1803, 1 *Day*, 183) 144
Stanton *v.* Willson and Smith (1808, 3 *Day*, 37) 117
State *v.* Casey (1904, 76 *Conn.*, 342) 318
State *v.* Hoyt, (1878, 46 *Conn.*, 330) 379
State *v.* Hoyt (1880, 47 *Conn.*, 518) 372, 379
State *v.* Hull (1867, 34 *Conn.*, 132) 213
State *v.* Hyde (1861, 29 *Conn.*, 564) 195
State *v.* Ransell (1874, 41 *Conn.*, 433) 182
State *v.* Washburn *et al.* (1896, 67 *Conn.*, 187) 303
Sterling *v.* Plainfield (1821, 4 *Conn.*, 114) 109, 111, 114
Stewart *v.* Sherman (1823, 4 *Conn.*, 553) 113, 144
Stewart *v.* Sherman (1824, 5 *Conn.*, 244) 144
Stone *v.* Stone (1864, 32 *Conn.*, 142) 116, 182
Stratford *v.* Fairfield (1821, 3 *Conn.*, 588) 111, 124, 145

Stratford *v.* Sanford *et al.* (1832, 9 *Conn.*, 275) 113
Strong *v.* Birchard (1824, 5 *Conn.*, 357) 123, 124
Strong *v.* Wright (1816, 1 *Conn.*, 459) 87, 147, 148
Tolland *v.* Lebanon (1792, 1 *Root*, 398) 110
Torrington *v.* Norwich (1852, 21 *Conn.*, 543) 114, 177, 180
Treat *v.* Peck (1824, 5 *Conn.*, 279) 121
Trumbull *v.* Moss (1859, 28 *Conn.*, 253) 211
Tyler *v.* Brooklyn (1823, 5 *Conn.*, 185) 143
Union *v.* Plainfield (1873, 39 *Conn.*, 563) 176
Van Epps *v.* Redfield *et al.* (1896, 68 *Conn.*, 39) 129, 316
Vernon *v.* East Hartford (1821, 3 *Conn.*, 475) 112
Vernon *v.* Ellington (1885, 53 *Conn.*, 330) 283
Wallingford *v.* Southington (1844, 16 *Conn.*, 431) 210
Warner *v.* Smith (1830, 8 *Conn.*, 14) 168
Warner *v.* Willey (1796, 2 *Root*, 490) 131
Washband *v.* Washband (1856, 24 *Conn.*, 500) 199
Washburn *v.* Belknap (1821, 3 *Conn.*, 502) 153
Washington *v.* Kent (1871, 38 *Conn.*, 249) 178, 213
Waterbury *v.* Bethany (1847, 18 *Conn.*, 424) 108, 109, 179
Waterbury *v.* Hurlburt (1773, 1 *Root*, 60) 116
Waters *v.* Waterman (1795, 2 *Root*, 214) 124
Welch's Appeal (1876, 43 *Conn.*, 342) 287
Welton *v.* Wolcott (1877, 45 *Conn.*, 329) 328
Wentz's Appeal (1904, 76 *Conn.*, 405) 299, 300
Weston *v.* Reading (1824, 5 *Conn.*, 255) 110, 124
Wethersfield *v.* Montague *et al.* (1821, 3 *Conn.*, 507) 116
Whalen *v.* Olmstead *et al.* (1891, 61 *Conn.*, 263) 416
Wickwire's Appeal (1861, 30 *Conn.*, 86) 195
Wile *v.* Southbury (1875, 43 *Conn.*, 53) 329
Windham *v.* Lebanon (1883, 51 *Conn.*, 319) 109, 114, 115, 282, 283, 329
Windham *v.* Norwich (1792, 1 *Root*, 408) 114
Windsor *v.* Hartford (1817, 2 *Conn.*, 355) 115
Woodstock *v.* Hooker (1825, 6 *Conn.*, 35) 115
Yale *v.* West Middle School District (1890, 59 *Conn.*, 489) 301

II. BY REFERENCES

Kirby, 155 116
Kirby, 174 121
Kirby, 267 132
1 *Root*, 60 116
1 *Root*, 107 131
1 *Root*, 131 ..... 111, 113
1 *Root*, 154 131
1 *Root*, 155 115
1 *Root*, 179 112
1 *Root*, 196 115
1 *Root*, 229 ..... 129, 132
1 *Root*, 232 109

1 *Root*, 245..... 124
1 *Root*, 250..... 116
1 *Root*, 262..... 113
1 *Root*, 319..... 132
1 *Root*, 345..... 131
1 *Root*, 361..... 116
1 *Root*, 398 (S. *v.* B.)..... 111
1 *Root*, 398 (T. *v.* L.)..... 110
1 *Root*, 408..... 114
1 *Root*, 423..... 110
1 *Root*, 426.....123, 198
2 *Root*, 86..... 167
2 *Root*, 168..... 116
2 *Root*, 214..... 124
2 *Root*, 316..... 168
2 *Root*, 320.....168, 169
2 *Root*, 363..... 168
2 *Root*, 371..... 121
2 *Root*, 378..... 169
2 *Root*, 435..... 146
2 *Root*, 466..... 168
2 *Root*, 482..... 168
2 *Root*, 490..... 131
2 *Root*, 496..... 132
2 *Root*, 517..... 115
1 *Day*, 30..... 168
1 *Day*, 153..... 168
1 *Day*, 183..... 144
1 *Day*, 212.....113, 114
1 *Day*, 278..... 130
2 *Day*, 323..... 146
3 *Day*, 37..... 117
3 *Day*, 126..... 169
3 *Day*, 131..... 123
3 *Day*, 224..... 112
4 *Day*, 189.....111, 167
5 *Day*, 169.....98, 113, 114
5 *Day*, 309..... 124
1 *Conn.*, 65.....120, 195
1 *Conn.*, 79..... 123
1 *Conn.*, 180..... 146
1 *Conn.*, 313..... 124
1 *Conn.*, 417..... 132
1 *Conn.*, 459.....87, 147, 148
2 *Conn.*, 18..... 115
2 *Conn.*, 20.....112, 115, 117
2 *Conn.*, 155.....131, 132
2 *Conn.*, 338..... 130
2 *Conn.*, 355..... 115
2 *Conn.*, 357..... 129
2 *Conn.*, 600..... 102
3 *Conn.*, 1..... 109
3 *Conn.*, 209..... 112
3 *Conn.*, 227..... 121
3 *Conn.*, 467..... 144
3 *Conn.*, 475..... 112
3 *Conn.*, 502..... 153
3 *Conn.*, 507..... 116
3 *Conn.*, 553.....116, 144, 145
3 *Conn.*, 568.....113, 143, 145
3 *Conn.*, 579..... 132
3 *Conn.*, 588.....111, 124, 145
3 *Conn.*, 600..... 114
4 *Conn.*, 114.....109, 111, 114
4 *Conn.*, 209..... 145
4 *Conn.*, 373..... 114
4 *Conn.*, 553.....113, 144
4 *Conn.*, 557.....131, 132
5 *Conn.*, 95..... 112
5 *Conn.*, 185..... 143
5 *Conn.*, 244..... 144
5 *Conn.*, 255.....110, 124
5 *Conn.*, 279..... 121
5 *Conn.*, 357.....123, 124
5 *Conn.*, 367.....98, 146
5 *Conn.*, 384..... 111
5 *Conn.*, 416.....130, 131
5 *Conn.*, 427.....120, 195
5 *Conn.*, 584.....109, 113, 115
6 *Conn.*, 28..... 120
6 *Conn.*, 35..... 115
6 *Conn.*, 41.....130, 131
6 *Conn.*, 45.....111, 114
6 *Conn.*, 72.....135, 144
7 *Conn.*, 57.....116, 117
7 *Conn.*, 100..... 145

7 *Conn.*, 143 110
7 *Conn.*, 286 .....129, 130, 131, 132
7 *Conn.*, 529 144
8 *Conn.*, 14 168
8 *Conn.*, 393 .....144, 145
9 *Conn.*, 275 113
9 *Conn.*, 321 .....114, 115
11 *Conn.*, 200 168
12 *Conn.*, 165 115
12 *Conn.*, 376 .....120, 121
13 *Conn.*, 244 198
13 *Conn.*, 274 180
14 *Conn.*, 192 .....179, 180
14 *Conn.*, 394 210
15 *Conn.*, 246 .....179, 180
15 *Conn.*, 550 179
16 *Conn.*, 431 210
18 *Conn.*, 189 .....179, 212
18 *Conn.*, 337 272
18 *Conn.*, 350 115
18 *Conn.*, 424 .....108, 109, 179
18 *Conn.*, 480 179
18 *Conn.*, 543 198
19 *Conn.*, 229 .....115, 180
19 *Conn.*, 561 178
19 *Conn.*, 591 196
20 *Conn.*, 298 .....179, 180
20 *Conn.*, 378 179
21 *Conn.*, 101, 176, 177, 178, 211, 212
21 *Conn.*, 543 .....114, 177, 180
22 *Conn.*, 25 180
22 *Conn.*, 411 .....117, 182
23 *Conn.*, 44 213
23 *Conn.*, 356 243
24 *Conn.*, 500 199
26 *Conn.*, 273 184
28 *Conn.*, 253 211
28 *Conn.*, 268 .....120, 185, 195
28 *Conn.*, 309 205
28 *Conn.*, 443 128
29 *Conn.*, 74 .....177, 178
29 *Conn.*, 113 213
29 *Conn.*, 564 195
30 *Conn.*, 86 195
31 *Conn.*, 326 178
31 *Conn.*, 412 178
31 *Conn.*, 515 177
32 *Conn.*, 71 .....112, 114, 176
32 *Conn.*, 142 .....116, 182
32 *Conn.*, 221 205
33 *Conn.*, 141 212
34 *Conn.*, 132 213
34 *Conn.*, 259 272
34 *Conn.*, 264 211
34 *Conn.*, 270 ....112, 177, 212, 280
35 *Conn.*, 82 195
35 *Conn.*, 186 212
35 *Conn.*, 351 178
35 *Conn.*, 538 211
37 *Conn.*, 484 .....177, 212
38 *Conn.*, 9 .....177, 178
38 *Conn.*, 191 213
38 *Conn.*, 249 .....178, 213
39 *Conn.*, 330 205
39 *Conn.*, 563 176
41 *Conn.*, 433 182
42 *Conn.*, 491 317
43 *Conn.*, 53 329
43 *Conn.*, 212 .....175, 329
43 *Conn.*, 217 281
43 *Conn.*, 342 287
43 *Conn.*, 480 315
43 *Conn.*, 514 372
44 *Conn.*, 120 121
44 *Conn.*, 210 .....327, 329
45 *Conn.*, 329 328
46 *Conn.*, 281 329
46 *Conn.*, 330 379
47 *Conn.*, 182 315
47 *Conn.*, 237 331
47 *Conn.*, 518 .....372, 379
48 *Conn.*, 165 301
49 *Conn.*, 83 .....299, 301
49 *Conn.*, 216 441
49 *Conn.*, 275 301
50 *Conn.*, 84 328

50 *Conn.*, 523..... 401
50 *Conn.*, 554.....323, 328
51 *Conn.*, 78..... 290
51 *Conn.*, 319,
109, 114, 115, 282, 283, 329
51 *Conn.*, 472..... 428
51 *Conn.*, 490....175, 326, 327, 329
51 *Conn.*, 497..... 314
52 *Conn.*, 158.....282, 327
52 *Conn.*, 200.....327, 336
53 *Conn.*, 110..... 302
53 *Conn.*, 330..... 283
53 *Conn.*, 523.....129, 313, 314
54 *Conn.*, 34.....179, 281
54 *Conn.*, 39..... 282
54 *Conn.*, 86..... 282
54 *Conn.*, 213..... 331
54 *Conn.*, 418..... 316
55 *Conn.*, 114.....121, 302
56 *Conn.*, 465..... 282
58 *Conn.*, 268..... 178
58 *Conn.*, 277..... 328
58 *Conn.*, 285..... 315
59 *Conn.*, 489..... 301
60 *Conn.*, 217..... 314
61 *Conn.*, 263..... 416
61 *Conn.*, 589.....178, 328
65 *Conn.*, 161..... 301
66 *Conn.*, 137..... 328
66 *Conn.*, 444..... 301
67 *Conn.*, 187..... 303
67 *Conn.*, 339.....315, 316
67 *Conn.*, 459..... 327
68 *Conn.*, 39.....129, 316
68 *Conn.*, 256..... 443
68 *Conn.*, 588..... 282
69 *Conn.*, 1..... 373
69 *Conn.*, 302..... 316
70 *Conn.*, 235..... 373
71 *Conn.*, 201..... 330
71 *Conn.*, 590..... 302
71 *Conn.*, 724.....113, 281, 327
72 *Conn.*, 167..... 302
72 *Conn.*, 340..... 299
73 *Conn.*, 47.....177, 281, 282
73 *Conn.*, 161.....282, 283
73 *Conn.*, 247..... 314
73 *Conn.*, 607..... 286
73 *Conn.*, 735..... 282
74 *Conn.*, 50..... 317
75 *Conn.*, 64..... 287
75 *Conn.*, 515..... 331
76 *Conn.*, 152.....327, 329
76 *Conn.*, 342..... 318
76 *Conn.*, 405.....299, 300

INDEX TO PUBLIC STATUTES CITED

1636, February.
Col. Rec., i, 8..... 24
1639, October.
Col. Rec., i, 37..... 24
1640, April.
Col. Rec., i, 47..... 60
1642, October.
Col. Rec., i, 78..... 51
1643, November.
Col. Rec., i, 96.....26, 278, 279
1644, June.
Col. Rec., i, 105..... 56, 440
1645, March.
N. H. Col. Rec., i, 227..... 23
1645, July.
Col. Rec., i, 129..... 38
1648, November.
N. H. Col. Rec., i, 414.....23, 47
Code of 1650.
Col. Rec., i, 515.....51, 439
Col. Rec., i, 520-21.....53, 445
Col. Rec., i, 527, par. 1.....38, 309
Col. Rec., i, 528..... 35
Col. Rec., i, 539, par. 2..... 56
Col. Rec., i, 546, par. 3..... 29
Col. Rec., i, 549..... 45
1651, September.
Col. Rec., i, 224..... 34
Code of 1656 (New Haven).
N. H. Col. Rec., ii, 578, pars. 1, 2..... 51
N. H. Col. Rec., ii, 583-84.... 53
N. H. Col. Rec., ii, 608..... 25
N. H. Col. Rec., ii, 610-11..28, 34
1657.
N. H. Col. Rec., ii, 217-18..23, 28
1660, May.
Col. Rec., i, 351..... 26
1665, October.
Col. Rec., ii, 28..... 29
1667, May.
Col. Rec., ii, 66..... 25
1671, May.
Col. Rec., ii, 147..... 50
Col. Rec., ii, 149..... 50
Col. Rec., ii, 150..... 50
Revision of 1673.
P. 6.....39, 311
Pp. 9-10..... 51
Pp. 13-14..... 53
P. 31..... 36
Pp. 47-8..... 24
Par. 5..... 56
Par. 6.....56, 440
Par. 7 (p. 48, par. 1).... 56
Par. 8 (p. 48, par. 2).... 57
P. 57.....30, 41, 55, 319, 439
P. 66, par. 2..... 36
1675, May.
Col. Rec., ii, 252..... 46
1676, May.
Col. Rec., ii, 281.....33, 54
Col. Rec., ii, 282..... 37
Col. Rec., ii, 285..... 50
1677, May.
Col. Rec., ii, 307..... 50
1678, May.
Col. Rec., iii, 13..... 50

Col. Rec., iii, 15..... 45
1678, October.
Col. Rec., iii, 18..... 50
1679, October.
Col. Rec., iii, 37..... 50
Col. Rec., iii, 44..... 45
1680, May.
Col. Rec., iii, 56-57.....46, 355
1681, October.
Col. Rec., iii, 92..... 45
1682, October.
Col. Rec., iii, 111-112.....32, 280
1684, May.
Col. Rec., iii, 148..... 54
1686, October.
Col. Rec., iii, 215..... 45
1687, March.
Col. Rec., iii, 428..... 41
1690, May.
Col. Rec., iv, 30..... 54
1690, October.
Col. Rec., iv, 40..... 32
1692, October.
Col. Rec., iv, 79..... 50
1697(98), January.
Col. Rec., iv, 235-236..... 36
1698, October.
Col. Rec., iv, 267..... 44
Col. Rec., iv, 275..... 50
1699, May.
Col. Rec., iv, 285.....40, 310
Col. Rec., iv, 285 *et seq.*, 35, 49, 290
Revision of 1702.
P. 7 (Bastardy).....38, 40, 311
P. 11 (Briefs)..... 45
P. 13 (Capital Offenders), pars.
1, 2..... 51
P. 13 (Bastard Children)..40, 129
Pp. 15-16.....53, 54
Pp. 53-54 (Idleness).....35, 36
Pp. 54-57 (Indians)..... 47
P. 58 (Inhabitants),
Par. 1..... 26
Par. 2..... 24
Pp. 58-59..... 33
P. 59, par. 1..... 24
Par. 2..... 33
P. 75 (Masters)..... 57
P. 85 (Servants)..... 32
Pp. 94-95 (Poor).....42, 321
Par. 1 (p. 95)..... 55
Par. 2.....33, 43
P. 99, par. 1..... 45
Par. 2..... 45
P. 111, par. 2..... 24
P. 112, par. 2..... 36
1702, May.
Col. Rec., iv, 375-76..... 37
Col. Rec., iv, 379..... 44
1702, October.
Col. Rec., iv, 399..... 44
1707, May.
Col. Rec., v, 21-22..... 33
Col. Rec., v, 24..... 34
1708, October.
Col. Rec., v, 73..... 46
1711, May.
Col. Rec., v, 231-232..... 43
Col. Rec., v, 233, par. 1..... 38
Col. Rec., v, 238-241..... 83
1713, May.
Col. Rec., v, 383.....60, 347
1715, May.
Col. Rec., v, 503.....75, 285
1717, May.
Col. Rec., vi, 13..... 89
1718, October.
Col. Rec., vi, 82..... 61
1719, May.
Col. Rec., vi, 112-113..... 78
1719, October.
Col. Rec., vi, 146..... 68
1720, May.
Col. Rec., vi, 184..... 89
1722, October.
Col. Rec., vi, 355-356..... 89

Col. Rec., vi, 356 (Inhabitants). 69
1723, October.
Col. Rec., vi, 416..... 40
1726, May.
Col. Rec., vii, 21-22..... 69
Col. Rec., vii, 36..... 87
1726, October.
Col. Rec., vii, 71-72.....154, 356
Col. Rec., vii, 84, par. 1..... 84
1727, May.
Col. Rec., vii, 102..... 89
1727, October.
Col. Rec., vii, 127-130.....62, 350
Pars. 1, 2..... 62
Par. 3.....62, 90, 284
Par. 4.....62, 63
Par. 5..... 62
Par. 6..... 63
Par. 7..... 64
1729, May.
Col. Rec., vii, 240-241..... 64
1730, October.
Col. Rec., vii, 302, pars. 1, 2... 64
1731, May.
Col. Rec., vii, 340..... 84
1732, May.
Col. Rec., vii, 369..... 69
Col. Rec., vii, 371-374..... 83
1733, October.
Col. Rec., vii, 476..... 84
1734, October.
Col. Rec., vii, 530-531..... 65
1735, May.
Col. Rec., vii, 568..... 84
1736, May.
Col. Rec., viii, 43..... 84
1737, October.
Col. Rec., viii, 137-138..... 66
1739, May.
Col. Rec., viii, 253-254..... 75
1743, October.
Col. Rec., viii, 570-572..... 78
1745, May.
Col. Rec., ix, 132-133..... 75
Revision of 1750.
P. 17 (Briefs)..... 88
P. 21, par. 2.....94, 440
P. 31 *et seq.* 60
P. 78 (Fornication)..... 80
Pp. 90-91, pars. 1, 2..... 90
Par. 3.....75, 90
Par. 4 (p. 91, par. 1),
76, 79, 90, 290, 304
Par. 5.....79, 90
Par. 6 (p. 91, par. 3)...82, 90
P. 92, pars. 1, 4, 6, 7..... 79
P. 97, pars. 3-5..... 89
Pp. 99-101..... 69
Par. 1..... 70
Pp. 137-138.....86, 335
Pp. 152-153, pars. 6-8..... 95
P. 190, par. 5..... 94
P. 191, par. 1.....72, 83
P. 204-207.....66, 347
P. 226, par. 2.....82, 83
P. 229, par. 3..... 72
1753, May.
Col. Rec., x, 159-161..... 66
1753, October.
Col. Rec., x, 206..... 67
1756, February.
Col. Rec., x, 464..... 90
1756, September.
Col. Rec., x, 549..... 86
1758, March.
Col. Rec., xi, 111..... 91
1759, October.
Col. Rec., xi, 313..... 91
1761, October.
Col. Rec., xi, 590-591..... 91
1765, October.
Col. Rec., xii, 414..... 70
1768, May.
Col. Rec., xiii, 40..... 74
1769, January.
Col. Rec., xiii, 124.....80, 305
1769, October.
Col. Rec., xiii, 237-238..... 67

1770, October.
Col. Rec., xiii, 362-363....70, 279
Col. Rec., xiii, 405..... 85
Col. Rec., xiii, 411-412..... 85
1771, May.
Col. Rec., xiii, 425..... 85
Col. Rec., xiii, 504-508..... 85
1771, October.
Col. Rec., xiii, 567-569..... 85
1772, May.
Col. Rec., xiii, 657-662..... 85
1772(?), October.
Col. Rec., xiv, 69-70..... 85
1773, May.
Col. Rec., xiv, 156-158..... 85
1773, October.
Col. Rec., xiv, 212-213..... 85
1774, October.
Col. Rec., xiv, 329..... 80
1776, December.
State Rec., i, 121..... 91
1777, May.
State Rec., i, 246-249..... 93
1777, October.
State Rec., i, 415..... 80
1779, January.
State Rec., ii, 178..... 87
1779, October.
State Rec., ii, 430, par. 1..... 74
1780, May.
MSS. State Rec., ii, 36..... 87
MSS. State Rec., ii, 53, 57.... 74
1780, October.
MSS. State Rec., ii, 18..... 92
MSS. State Rec., ii, 29..... 87
1780, November.
MSS. State Rec., ii, 23..... 93
MSS. State Rec., ii, 30 *et seq.*. 87
1782, January.
A. and L., 581..... 92
1782, May.
MSS. State Rec., ii, 36..... 94
MSS. State Rec., ii, 40..... 87
1783, May.
MSS. State Rec., iii, 10...76, 294
1783, October.
MSS. State Rec., iii, 6..... 93
MSS. State Rec., iii, 32, 34.... 87
1784, January.
MSS. State Rec., iii, 22..... 94
MSS. State Rec., iii, 37..... 74
Revision of 1784.
P. 15 (Bastardy).....81, 312
P. 18 (Briefs)..... 88
P. 20, pars. 1-7..... 94
P. 29, *et seq.*..... 83
P. 30, *et seq.*..... 60
P. 82..... 72
P. 83.....72, 98
P. 87 (Fornication)..... 80
P. 98, pars. 1-6.....76, 77, 90
P. 99, par. 1..... 82
Par. 2..... 80
Pp. 99-100..... 79
Pp. 101-102, pars. 5-12..... 89
Pp. 102-104..... 71
P. 113 (Native Rights)..... 89
P. 116 (Trespasses)..... 89
Pp. 130, 132.....86, 335
P. 142, pars. 4-8..... 95
Par. 5.....440
P. 162 (Murder)..... 81
P. 193..... 72
Pars. 1-4, 6..... 83
Par. 5..... 94
P. 200, par. 6.....87, 335
Pp. 206-210..... 68
P. 208, par. 6..... 90
P. 218 (Selectmen).....88, 335
P. 228, pars. 2-4..... 83
P. 231, par. 4..... 92
P. 233..... 72
P. 234, pars. 3-6..... 80
P. 235, par. 1..... 80
1785, May.
A. and L., 324..... 147

MSS. State Rec., iii, 61..... 133
1785, October.
A. and L., 335 (New Haven). 149
1786, May.
MSS. State Rec., iii, 42..... 157
MSS. State Rec., iii, 45, *et seq.* 108
MSS. State Rec., iii, 47, *et seq.* 108
1786, October.
MSS. State Rec., iii, 6, 7, *et seq.* 160
1788, May.
A. and L., 361-364..... 160
1788, October.
A. and L., 369, par. 2..... 126
Par. 3..... 161
MSS. State Rec., iv, 4..... 104
1789, October.
A. and L., 383-386, pars. 1-7, 9. 99
Par. 8.....100, 323
385, par. 2 (equals par. 8 above)..... 117
386 (equals par. 11)..... 72
1792, May.
A. and L., 422 (Inhabitants), 100, 279, 280
A. and L., 424..... 125
A. and L., 426 (New Haven). 149
1792, October.
A. and L., 437, *et seq.*..... 162
1793, May.
A. and L., 463 (Listers)..... 146
1793, October.
A. and L., 468-69..... 151
A. and L., 468, par. 1.....155, 358
Pars. 2, 3..... 157
469, par. 2..... 155
Revision of 1796.
Pp. 239-242, pars. 2-8..... 101
par. 10..... 117
P. 277, par. 10..... 147
1797, May.
A. and L., 462 (Slaves)..... 126
1797, October.
A. and L., 476 (Idiots)..... 155
1799, May.
A. and L., 507 (Sickness)... 138
1808, May.
A. and L., 808, par. 1....128, 310
Par. 2..... 128
Revision of 1808.
P. 384, § 8..... 123
P. 615, § 25..... 162
1810, May.
C. 10..... 102
1812, October.
C. 19.....101, 134
1813, May.
C. 2.....165, 440, 448
C. 13.....134, 321
C. 19.....150, 347
1813, October.
C. 3..... 104
C. 9.....102, 279
1816, May.
C. 7, § 1..... 144
1818, May.
C. 4.....136, 322
1818, October.
C. 1..... 109
C. 3..... 139
1819.
C. 1..... 110
C. 2, § 17.....146, 335
§ 22..... 148
C. 14..... 102
1820.
C. 14..... 110
C. 34, §§ 1, 2.....139, 323
§§ 3, 4..... 139
C. 38..... 103
C. 50..... 451
§ 2..... 272
Revision of 1821.
P. 93, note..... 126
P. 93, § 3..... 313
P. 133 (Tit. 18)..... 104

P. 137, § 4..... 110
P. 149, note..... 30
P. 152, § 14..... 128
P. 171, § 94..... 152
P. 274, § 1.....118, 120
§ 2.....120, 297
P. 275, § 4..... 156
P. 276, §§ 6-9..... 121
P. 278, §§ 1-6.....153, 355
P. 279 (Tit. 51), §§ 1, 4..... 103
P. 297, § 1..... 125
P. 301, § 5..... 98
Pp. 318-319, §§ 1, 2..... 439
§ 4..... 440
§ 6.....440, 441
P. 348, § 39.....162, 387
P. 369, § 1..... 116
P. 370, § 3..... 321
§ 4.....134, 280, 319, 321
§ 5..... 322
P. 371, § 7.....102, 134, 321
Pp. 372-373, § 3..... 117
§§ 6-8.....140, 325
P. 453, § 11..... 148
§ 12..... 103
Pp. 480-482.....150, 152

1823.

C. 13.....103, 148, 335
C. 22..... 125
C. 25.....154, 355

1824.

C. 23..... 156
C. 27..... 118

1825.

C. 12..... 149

1826.

C. 5..... 147
C. 28..... 143

1828.

C. 25.....137, 322

1829.

C. 12.....119, 290
C. 24.....158, 381

1830.

C. 1, § 16.....128, 203, 309
§ 18..... 128
§§ 20, 21.....166, 442
§ 56..... 351
§ 79..... 129
§ 146.....152, 226, 349
C. 25..... 192
C. 33..... 103

1831.

C. 28.....118, 288
C. 29.....103, 148

1833.

C. 9..... 105
§ 4..... 104

1834.

C. 15.....154, 356

1835.

C. 9..... 154

1836-1837.

C. 41.....167, 442
C. 61, §§ 1, 3, 4..... 119
§ 2.....120, 292
C. 73.....104, 279
C. 74..... 104
C. 77..... 154
C. 89.....141, 325

1838.

C. 34..... 105

Revision of 1838.

P. 99 (Tit. 8), § 1..... 127
§§ 2, 3..... 128
P. 105, §§ 1, 2..... 164
§ 3.....151, 166
P. 113 (Tit. 16)..... 106
P. 117, § 4..... 110
P. 140, § 3..... 128
P. 145, § 15..... 128
P. 146, §§ 16, 17..... 128
P. 147, §§ 20, 21..... 167
P. 161, § 78..... 129
P. 177, § 145..... 152
P. 185 (Tit. 22)..... 158

P. 187 (1837), §§ 1, 2..... 167
Pp. 349-353, § 1.....119, 120
§ 2..... 119
§ 3.....156, 241
§§ 4, 5..... 157
§§ 6, 7..... 122
§ 8..... 123
§ 10..... 124
Pp. 353-354 (1824).....156, 241
§ 3..... 118
P. 354 (1829)..... 119
Pp. 355-356 (1837)..... 119
§ 2..... 120
§ 4..... 119
Pp. 356-357, §§ 1-3, 6..... 154
§§ 4, 5..... 155
P. 357 (1823)..... 154
Pp. 357-359 (c. 2)..... 154
Pp. 359-362 (Tit. 62), §§ 1, 2. 105
§§ 3, 7, 9, 10..... 106
§§ 4, 5, 6.....106, 137
P. 362 (1836), §§ 1, 2..... 105
Pp. 363-365 (c. 2), § 1..... 116
§§ 2, 8.... 134
§ 3..... 135
§ 4...134, 136
§ 5...136, 137
§ 6..... 137
§ 7...105, 134
P. 365 (1828)..... 137
P. 366 (1831)..... 118
Pp. 366-69 (c. 3), §§ 1, 2, 9, 10. 140
§ 3.....106, 117, 140
§ 4.....105, 134, 138
§ 5.....106, 140
§§ 6-8..... 141
P. 369 (1837)..... 141
P. 384 (Tit. 55), §§ 1-3..... 125
P. 389, § 5..... 105
P. 391, § 11..... 154
Pp. 413-417, §§ 1-3..... 164
§§ 4, 5..... 166
§§ 6-10..... 165
P. 441, § 39..... 162
P. 570, §§ 1-3..... 126
P. 599, par. 4..... 147
P. 615, § 11..... 148
§ 12..... 149
P. 619 (1823)..... 148
P. 623, § 9..... 149
Pp. 656-658, §§ 2-4, 9..... 150
§ 5.....150, 151
§§ 6-8..... 151

1839.

C. 35..... 208

1840.

C. 4..... 192

1841.

C. 14, § 9.....184, 185, 189
C. 21.....225, 347, 349
§§ 1, 5, 7..... 225
§ 8.....225, 227
§ 9.....225, 226
§§ 10, 11.....226, 349

1842.

C. 28, § 2.....446, 448
C. 40..... 208

1843.

C. 17, § 1..... 184
§ 2..... 185
C. 43..... 223

1844.

C. 30..... 224

1845.

C. 29..... 227
C. 30..... 226
§ 1..... 349
C. 33..... 172
C. 34..... 236

1847.

C. 27, §§ 1-3.....203, 309
C. 35.....196, 198, 304
C. 36..... 189

1848.

C. 15..... 173
C. 50.....191, 295

C. 79..... 201

Revision of 1849.

P. 434, § 1..... 184
P. 437, § 9.....191, 297
P. 442, § 8.....230, 356
P. 535, § 10..... 172
P. 538, § 24..... 183
Pp. 554-559..... 227

1849.

C. 31.....193, 296
C. 36.....183, 288

1850.

C. 36.....267, 439
C. 38.....268, 441

1851.

C. 37.....186, 299
C. 42.....208, 323
C. 46..... 255
§ 1..... 424
§ 2.....424, 425
§ 4.....258, 425
§ 5..... 426
§ 7.....259, 426
§ 10..... 425
§§ 11, 12..... 255
§ 13.....258, 259, 426

1852.

C. 55.....230, 356

1853.

C. 61..... 189
C. 62..... 191
C. 72..... 227

1854.

C. 22..... 224
C. 38.....182, 287
C. 49.....189, 293
C. 57..... 199
C. 67..... 188
C. 70.....174, 279
C. 71..... 206
C. 73.....174, 280

1855.

C. 26..... 230
§ 17.....181, 184
C. 46.....267, 440
C. 65, § 2..... 229
C. 78..... 185
C. 79..... 236
C. 80..... 189
§§ 1, 2..... 187
C. 81..... 186
C. 104..... 258

1856.

C. 31..... 243
C. 38.....268, 269, 442
C. 80..... 257

1857.

C. 30..... 244
C. 31.....226, 350
C. 54..... 207
C. 58, § 3.....259, 425
§§ 4, 5..... 258

1858.

C. 36..... 243
C. 57..... 194

1859.

C. 17..... 184
C. 23..... 227
C. 24..... 243
C. 79.....258, 431
C. 81..... 174

1860.

C. 15, § 2..... 223
C. 29..... 192
C. 30.....206, 284
C. 33.....259, 426
C. 68.....243, 374
C. 71.....203, 309

1861, May.

C. 3..... 243
C. 38..... 184
C. 41..... 259

1861, October.

C. 2..... 192

1862, May.

C. 12..... 185

C. 30..... 226
C. 36..... 185
C. 39..... 259

1863, May.

C. 3..... 192
C. 20.....174, 280

1864, May.

C. 36..... 204
C. 62.....268, 441
C. 69.....259, 425
C. 85.....266, 438

1865.

C. 12.....243, 374, 375
C. 51.....269, 449, 450
C. 66..... 189
C. 84..... 259
C. 98, § 3.....194, 296
C. 115..... 269

Revision of 1866.

P. 233, § 95.....189, 292
P. 313, § 68..... 268
Pp. 517-518, §§ 16, 17..... 187
§§ 19-21..... 194
P. 620, § 14..... 175
P. 642, §§ 73, 75..... 227
P. 644, § 82..... 225
§ 84..... 227
Pp. 675-676..... 201
P. 721, § 57..... 224

1866.

C. 18..... 187
C. 33..... 268
C. 37.....237, 366
§ 2..... 238
§ 7..... 239
C. 59.....252, 400, 401
§ 1..... 252
§§ 2-5..... 253
C. 68..... 209

1867.

C. 19..... 186
C. 41.....193, 295
C. 70..... 181
C. 102.....238, 366
§§ 3, 5..... 238
§ 4.....238, 361, 370, 371
§ 6..... 239
C. 124, § 1.....270, 445
§§ 2, 3..... 270
C. 128..... 181
C. 143.....249, 387

1868.

C. 32..... 190
C. 36.....253, 400
C. 37..... 260
§§ 1, 3..... 429
§ 2.....429, 431
§ 4.....428, 429
§ 9..... 430
C. 39..... 175
C. 72..... 192
C. 78.....267, 439
C. 84..... 254
C. 85, §§ 1, 2..... 239
§ 3..... 238
C. 103..... 223

1869.

C. 6.....250, 388
C. 13.....193, 298
C. 25, § 1.....207, 322
C. 45.....190, 291
C. 63.....196, 290, 304, 305
C. 80, §§ 1, 8..... 240
§ 2..... 241
§§ 3, 4.....241, 361
§§ 5-7, 9..... 242
C. 93..... 202
C. 95..... 239
C. 115..... 270
C. 123.....269, 450, 451

1870.

C. 9..... 187
§ 2..... 188
C. 22..... 202
C. 32.....244, 374
C. 36..... 260

§ 1..... 428
§ 3..... 429
§ 4..... 430
§ 6.....257, 431
§ 9..... 429
C. 55..... 193
C. 85, § 5..... 202
C. 87..... 202

1871.

C. 6..... 224
C. 78..... 175
C. 122.....257, 431
C. 126.....250, 388
C. 154.....239, 370

1872.

C. 31..... 253
C. 56..... 188
C. 67..... 231
C. 72..... 239
C. 73.....173, 207
C. 77..... 269
C. 83.....231, 357
C. 89..... 202
C. 99, §§ 5, 6.....199, 306
C. 105..... 251

1873.

C. 20.....181, 285, 305
C. 45.....213, 331
§§ 1, 5..... 214
§ 2.....215, 431
§§ 3, 4, 6..... 215
C. 66..... 249

1874.

C. 4..... 192
C. 10..... 442
C. 31..... 257
C. 113.....200, 201, 307, 363
C. 115, §§ 12, 13.....199, 306

Revision of 1875.

Pp. 5-6, §§ 1, 2..... 229
§§ 3-9..... 230
Pp. 19-20 (part 13)..... 215
P. 22 (c. 2), § 1..... 225
Pp. 25-26, § 2.....236, 242
§ 3..... 248
§ 4..... 224
P. 40, § 1..... 181
P. 42, § 11..... 181
P. 45, § 1..... 181
P. 54, § 11..... 184
P. 57, § 26..... 193
§§ 27-28.....189, 299
P. 58, § 36..... 190
§ 37..... 189
P. 59, § 38..... 190
§ 39..... 191
§ 41..... 189
§ 42..... 194
Pp. 92-93, §§ 2, 3, 5, 8..... 256
§ 6.....256, 429
§§ 7, 9..... 257
Pp. 94-95, §§ 1, 2, 4-6..... 261
P. 95, §§ 1-7..... 253
Pp. 96-97, §§ 1-5..... 238
§ 6.....239, 369
§§ 7-10..... 239
Pp. 98-100, §§ 1, 4..... 257
§§ 2, 3.....257, 261
§ 5..... 261
§ 6.....240, 242
§§ 7, 10, 11..... 241
§ 9..... 242
§§ 12-17..... 201
Pp. 108-110..... 227
§ 9.....227, 348
§§ 12, 14..... 227
§ 17..... 226
P. 112, §§ 5, 6..... 251
P. 122, § 7..... 249
Pp. 126-128, §§ 1, 2, 5-7..... 270
§§ 8-14..... 271
P. 129, § 2..... 270
P. 143, § 1..... 272
P. 154, § 10..... 223
§ 12.....249, 251
P. 160, § 42..... 223

P. 161, § 47..... 224
P. 161 (c. 2), § 1..... 224
P. 162, § 10..... 224
P. 173, c. 2..... 215
P. 189 (c. 3), §§ 7, 8..... 269
§ 9..... 183
Pp. 189-190 (c. 4), § 1..... 266
§§ 2, 3.... 267
Pp. 191-192, § 5..... 268
§§ 6, 9..... 269
Pp. 193-194, §§ 1, 2, 5-8..... 268
§ 3..... 267
§ 4..... 231
§ 9..... 270
§ 11..... 173
Pp. 195-198, §§ 1-4, 7-12..... 173
§§ 5, 6..... 174
§§ 13, 14..... 175
Pp. 199-200, §§ 1-5, 10, 11.... 206
§§ 4-7..... 207
§ 8..... 183
§ 9.....173, 207
Pp. 200-202, § 1..... 208
§ 2...173, 183, 207, 209
§§ 3-7..... 209
§ 4.....208, 209
P. 202 (part 3), §§ 1, 2..... 181
§ 3..... 199
Pp. 258-260..... 228
P. 268, § 2..... 199
P. 269, § 8.....199, 306
P. 289, § 3..... 194
P. 317, § 7..... 296
Pp. 346-349, § 1.....185, 189, 194
§ 2.....185, 194
§ 3.....191, 194
§§ 4, 8, 9..... 194
§ 5.....191, 193
§§ 6, 7..... 188
§§ 10-13..... 186
§§ 14-16..... 190
Pp. 349-350, §§ 1-4..... 197
§ 5..... 196
P. 355, § 22..... 193
P. 367, § 1..... 193
P. 393, § 30..... 194
P. 395, § 40..... 192
P. 455, § 10..... 251
Pp. 469-470, §§ 1-4..... 202
P. 495, §§ 13, 15..... 202
P. 499, § 10..... 269
§§ 11-13..... 204
P. 500, § 15..... 269
P. 506, § 40..... 268
P. 507, § 6..... 257
P. 511, §§ 4, 5..... 203
P. 512, §§ 10, 11.....204, 310
P. 518, § 25..... 173
P. 520, § 42..... 200
P. 525, § 11..... 175
Pp. 532-535, §§ 1, 8..... 260
§ 13..... 226
Pp. 536-537, § 1..... 227
§§ 4, 5..... 244
P. 540, § 23..... 226
P. 553..... 231

1875.

C. 25..... 322
C. 28..... 296
C. 73.....440, 441
C. 75..... 346
C. 76.....347, 348
C. 87..... 307
C. 93..... 287
§§ 1, 5..... 277
§§ 2, 4, 6, 7, 11..... 278
§ 3..... 323
§§ 8, 9..... 325
§ 10.....323, 325
C. 96, § 6..... 369
C. 97, § 2, par. 6..... 312

1876.

C. 8..... 354
C. 14..... 313
C. 35..... 356
C. 52, § 1.....428, 431

C. 77..... 288

1877.

C. 14..... 287
C. 16..... 350
C. 113..... 380
C. 147..... 367
C. 154..... 370
§ 6..... 371

1878.

C. 16..... 299
C. 43..... 451
C. 49..... 293
C. 56..... 386
C. 94, § 1.....277, 278
§ 2.....278, 279
§ 10..... 319
§ 11..... 321
§ 12..... 326
§ 18..... 278
§§ 20, 21..... 325
§ 27..... 368
C. 98..... 348
C. 103, § 1.....361, 369, 371
C. 122..... 429
C. 130, § 1..... 362
C. 133, § 1..... 395
§ 2..... 396
§ 3.....393, 394
C. 140, §§ 4, 5..... 432

1879.

C. 20..... 278
C. 48..... 308
C. 55..... 320
C. 59..... 346
§ 5..... 347
C. 71, § 1..... 371
C. 78..... 309
C. 101..... 288
C. 118, § 11..... 349
C. 125..... 429
§ 1.....425, 429
§ 2.....426, 433
§§ 3, 5-7..... 426
§ 4..... 431

1880.

C. 41..... 350

1881.

C. 19..... 374
C. 85..... 388
C. 119, par. 3..... 431
C. 121, § 3..... 310
C. 132..... 284
C. 144..... 320
C. 149..... 291

1882.

C. 6..... 291
C. 30..... 284
C. 40..... 449
C. 80, § 2..... 445
§ 3..... 446
§ 5..... 448
C. 84..... 395
C. 89..... 391
§§ 1, 2..... 390
§§ 2, 3..... 391
C. 107, part vi, § 3..... 306
§ 4..... 307
C. 111, § 1..... 395
§ 2..... 396
C. 146.....374, 375

1883.

C. 28..... 443
C. 56..... 376
C. 91..... 391
§§ 1, 2..... 390
§ 3..... 391
C. 93..... 431
C. 103..... 402
C. 110.....310, 354
C. 120, § 2..... 296
C. 124..... 320
C. 126..... 404
§§ 1, 5..... 405
§ 2..... 407
§ 3.....405, 408, 414, 419
§ 4..... 409
§ 6.....415, 419

1884.

C. 3, § 2 438
C. 48 451
C. 52 376
C. 55 351
C. 66 ..... 333, 341
C. 77 331
C. 91 379
C. 92, § 1 ..... 408, 414
§ 2 409
C. 97, § 1 352
§ 2 ..... 395, 396
C. 98 325
C. 99 444

1885.

C. 5 430
C. 20 284
C. 30 374
C. 44 ..... 279, 280
C. 45 288
C. 52 442
C. 71 ..... 323, 328
C. 75, § 2 369
C. 90, §§ 1, 3 445
§ 2 446
C. 99 443
C. 110 289
§ 43 *et seq.* 296
§ 58 380
§ 65 424
§ 83 290
§ 89 295
§ 90 294
C. 116, § 1 414
§ 3 413

1886.

C. 2 308
C. 4 346
C. 15 168
C. 21 393
§ 1 394
§ 2 ..... 394, 395
C. 31 402
C. 92 410
C. 93 415
C. 96 430
C. 98, § 1 438
C. 114 325
C. 124 446
§ 1 444
§ 2 448
§ 3 449
C. 127 427
C. 143, §§ 1, 2 320
§ 3 321
C. 144 432

1887.

C. 1 374
C. 5, § 25 332
§ 38 366
§ 39 424
C. 7 375
C. 8 376
C. 17 309
C. 23 449
C. 29 392
C. 62, § 1 445
C. 68 306
C. 69 ..... 394, 395
C. 71 409
C. 73 402
C. 77 392
C. 88 444
C. 98, §§ 1-3 312
§§ 4, 5 313
C. 104 388
C. 123 376
C. 145 ..... 445, 446
C. 146 446

Revision of 1888.

§ 460 442
§ 611 293
§ 1743 441
§ 2109 451
§ 3685 363
§ 3686 361

§ 3819..... 388

1889.

C. 24, §§ 1, 2..... 390
C. 25..... 296
C. 26..... 451
C. 28..... 419
C. 55..... 379
C. 66..... 347
C. 71.....387, 388
C. 75..... 292
C. 124..... 389
C. 129..... 366
C. 136..... 306
C. 146, §§ 1, 2, 4..... 397
§ 3..... 394
C. 162, § 1..... 357
§§ 3, 4..... 358
§§ 5-7, 9-11, 14..... 359
§§ 6, 13..... 360
§§ 16, 17, 19, 20, 23.... 362
§ 18..... 361
§§ 21, 22..... 364
§ 24..... 363
C. 171..... 428
§§ 1, 2..... 410
C. 223..... 395

1893.

C. 17, §§ 1, 2..... 390
C. 27..... 369
C. 28..... 406
C. 46, § 1..... 375
§ 2..... 376
C. 75..... 293
C. 83..... 284
C. 92..... 424
C. 97..... 350
C. 109..... 388
C. 122, § 1..... 410
C. 124..... 350
C. 144..... 395
C. 148.....413, 416
C. 154..... 426
C. 156..... 382
C. 163..... 392
C. 164..... 430
C. 188..... 430
C. 227, § 3..... 447
C. 241.....362, 369
C. 255, § 1.....411, 419
§ 2..... 411
§ 3..... 413
§ 4..... 412
C. 270..... 379

1895.

C. 64..... 394
C. 70..... 285
C. 92..... 291
C. 99..... 391
C. 102..... 403
C. 118..... 444
C. 134..... 446
C. 153..... 350
C. 167..... 389
C. 180, § 1.....361, 369, 370
§ 2..... 359
C. 200..... 388
C. 210, § 3..... 447
C. 222..... 415
C. 228..... 411
C. 250..... 396
C. 256, §§ 2-5..... 358
§§ 6-9, 11..... 359
§§ 10, 12, 13, 15..... 360
C. 290..... 334
C. 293..... 352
C. 294, § 2..... 333
C. 298.....407, 421
§ 3..... 334
C. 303..... 383
C. 311, § 1.....332, 431
§ 2.....334, 406
§ 3..... 332
C. 313..... 408
C. 319, § 3..... 383
C. 323..... 408
C. 324..... 423

C. 325..... 318
C. 328, § 1.....408, 421
§ 2..... 408
§§ 3, 4..... 413
C. 331, § 1..... 307
C. 350..... 318

1897.

C. 16..... 312
C. 28.....413, 438
C. 50..... 451
C. 57..... 295
C. 77..... 290
C. 124, § 1..... 443
§ 2..... 444
C. 139, § 1..... 390
C. 147..... 391
§ 2..... 392
C. 148..... 396
C. 150..... 307
C. 173..... 444
C. 177..... 376
§ 3..... 377
C. 193, § 1..... 424
C. 194, § 20..... 168
C. 200..... 309
C. 204.....394, 395
C. 206..... 408
C. 210.....405, 408
C. 215..... 365
C. 247..... 376

1899.

C. 9..... 386
C. 19..... 445
C. 25..... 424
C. 41..... 444
C. 69..... 405
C. 76..... 406
C. 82..... 376
C. 105..... 310
C. 124.....427, 433
C. 138..... 429
C. 142.....430, 434
C. 150..... 361
C. 179..... 390
C. 190..... 409
C. 192..... 391
C. 200, § 1.....409, 411, 419
§ 2..... 409
§ 3..... 413
C. 217..... 450
C. 218..... 385

1901.

C. 35..... 389
C. 56.....425, 435, 450
C. 57..... 426
C. 60, §§ 1, 2..... 390
§§ 3-5..... 391
C. 110, § 1..... 446
§§ 4, 5..... 448
C. 128..... 414
C. 131..... 321
§ 1..... 320
C. 164..... 382
C. 184, § 1..... 405
§ 2.....407, 409, 420, 425
§ 4..... 414
§ 5.....411, 412

Revision of 1902.

§ 183..... 333
§ 184..... 352
§ 204..... 296
§§ 210, 211, 213..... 292
§ 214..... 293
§§ 217, 221, 223..... 441
§ 222..... 442
§ 230..... 299
§ 233.....413, 424, 438
§§ 234-236..... 438
§ 237.....291, 292
§§ 237-239..... 290
§ 240.....291, 294
§ 241.....294, 295
§ 242..... 299
§ 243..... 297
§ 244..... 291
§ 245..... 295

§ 252 292
§ 254 295
§ 255 294
§ 257 286
§§ 348-350 296
§ 356 295
§ 364 290
§§ 367, 368 298
§ 371 293
§ 376 296
§§ 382-384 297
§ 396 313
§§ 406-407 292
§ 435 410
§ 720 314
§ 907 389
§ 969 310
§§ 970-971 311
§§ 972-975, 978-979 312
§§ 976-977 313
§ 1112 293
§ 1116 313
§ 1125 313
§§ 1155-1157 309
§§ 1158, 1159, 1161 442
§ 1160 443
§ 1163 444
§ 1250 440
§§ 1266-1267 351
§ 1273 431
§ 1310 309
§§ 1314-1315 309
§ 1319 350
§§ 1321-1322 310
§ 1327 309
§§ 1336-1341 347
§ 1342 350
§ 1343 ..... 284, 351, 414
§ 1344 284
§§ 1354-1356 318
§ 1368 432
§ 1412 293
§ 1434 428
§ 1439 410
§ 1445 349
§ 1458 350
§§ 1472-1473 374
§§ 1474-1475 375
§ 1495 444
§ 1523 168
§§ 1532-1533 350
§ 1742 ..... 348, 406
§ 1831 381
§ 1832 371
§§ 1833-1835 304
§ 1836 305
§ 1840 449
§ 1855 402
§ 1863 431
§ 1918 450
§ 2111 *et seq.* 415
§ 2116 ..... 445, 446
§ 2117 ..... 445, 447
§ 2118 446
§ 2119 444
§§ 2120-2121 448
§§ 2122-2123 449
§§ 2124-2128 450
§ 2129 451
§§ 2145, 2147 447
§§ 2252, 2256 451
§§ 2258-2260 415
§ 2285 383
§§ 2286-2287 382
§§ 2288-2291 383
§§ 2292-2293 384
§§ 2294-2295 385
§§ 2314-2315 388
§§ 2315-2316 387
§ 2338 296
§ 2353 335
§ 2362 335
§ 2388 335
§§ 2466-2470 279
§§ 2471-2475 280
§ 2476 ..... 319, 369

§ 2477.....320, 321, 341
§ 2478..... 321
§ 2479..... 284
§ 2480.....288, 321, 408
§§ 2481-2483..... 289
§ 2484.....319, 321
§§ 2485-2486.....322, 326
§ 2487..... 322
§ 2488..... 288
§ 2489.....280, 321
§ 2490..... 321
§ 2491..... 320
§ 2492..... 333
§ 2493..... 323
§§ 2494-2496..... 325
§§ 2497-2498..... 323
§ 2499..... 285
§ 2500..... 305
§ 2501.....285, 305
§ 2502 *et seq*..... 403
§§ 2505-2506..... 432
§§ 2553-2554..... 402
§§ 2555-2556..... 403
§ 2693..... 306
§ 2694..... 307
§§ 2695-2696..... 306
§§ 2696-2697..... 307
§ 2705..... 307
§ 2712..... 307
§ 2735..... 357
§§ 2736-2739..... 358
§§ 2740-2741..... 359
§ 2742.....361, 369
§ 2743..... 362
§§ 2744-2748..... 308
§ 2749..... 309
§§ 2750-2752..... 359
§ 2753..... 360
§ 2754..... 359
§§ 2755-2756..... 360
§ 2758..... 360
§§ 2760-2761..... 362
§ 2762..... 361
§§ 2763-2764..... 362
§§ 2765-2766..... 364
§ 2767..... 362
§§ 2768-2769..... 361
§§ 2770-2771..... 363
§ 2772..... 365
§§ 2773-2778..... 366
§ 2779.....369, 370
§ 2780..... 375
§ 2781..... 376
§§ 2782-2783..... 375
§§ 2784-2786..... 376
§ 2787..... 380
§ 2788..... 405
§ 2789..... 406
§ 2790..... 407
§ 2791.....408, 412, 413
§ 2792.....408, 414
§§ 2793-2794..... 408
§ 2795.....407, 409, 414
§ 2796..... 410
§ 2797.....410, 427, 429
§ 2798.....410, 427
§ 2799..... 415
§§ 2800-2801..... 415
§ 2802..... 413
§ 2803.....411, 412
§ 2804..... 413
§ 2805..... 414
§ 2806..... 412
§ 2816..... 444
§§ 2817-2818..... 424
§ 2819.....424, 425
§ 2821..... 425
§§ 2823-2824..... 425
§§ 2825-2830..... 426
§§ 2831-2832..... 427
§ 2833..... 431
§ 2834.....414, 426
§ 2835..... 427
§§ 2836-2838..... 430
§ 2839..... 429
§ 2840..... 428
§ 2841..... 430
§§ 2842-2844..... 429

§ 2845..... 430
§ 2846.....414, 430
§§ 2847-2849..... 431
§ 2850..... 429
§ 2851.....409, 430
§ 2852..... 352
§ 2853..... 423
§ 2854.....410, 430
§ 2856..... 430
§§ 2857-2858..... 332
§§ 2859-2861..... 407
§ 2862.....333, 431
§ 2863..... 333
§ 2864..... 334
§ 2865.....332, 334, 406
§ 2866..... 334
§§ 2867-2868..... 395
§ 2869..... 396
§ 2870..... 397
§ 2871.....394, 397
§ 2872..... 396
§ 2873.....393, 394, 395
§ 2874.....394, 395
§ 2875..... 396
§§ 2876-2878..... 389
§§ 2880-2885..... 391
§§ 2886-2888..... 392
§§ 2889-2890..... 400
§§ 2891-2895..... 401
§§ 2904-2906..... 377
§§ 2907-2909..... 378
§ 2910.....378, 379, 380
§ 2948..... 313
§ 2960..... 347
§§ 2961-2965..... 348
§ 2966..... 347
§ 2967.....347, 349
§ 2968.....347, 348
§§ 2969-2970..... 348
§§ 2972-2974..... 349
§§ 2975-2976..... 350
§ 3052..... 387
§ 3420..... 296
§ 3671..... 296
§ 4049..... 296
§§ 4419-4421..... 355
§ 4422..... 357
§ 4423..... 355
§§ 4424-4426..... 356
§ 4427..... 357
§ 4462..... 392
§ 4540..... 291
§ 4550..... 307
§§ 4558-4559..... 442
§ 4560..... 443
§§ 4561-4562..... 287
§ 4650..... 386
§ 4668..... 389
§ 4670..... 404
§§ 4684-4686..... 439
§§ 4687-4690..... 440
§ 4691..... 445
§ 4693..... 288
§ 4704..... 444
§ 4705.....446, 448
§ 4706.....444, 448
§ 4707..... 449
§ 4811.....334, 407, 424, 427

1903.

C. 22..... 402
C. 25.....425, 435
C. 29..... 447
C. 40.....322, 330
C. 44..... 352
C. 49..... 333
C. 51..... 422
C. 62..... 385
C. 74..... 409
C. 75..... 447
C. 76..... 400
C. 80..... 324
C. 124..... 326
C. 126..... 436
C. 172..... 334
C. 179..... 368
C. 188..... 370
C. 200..... 415
C. 211..... 416

SUBJECT INDEX

Adjutant-general, member soldiers' hospital board, *q. v.*, 393.
Adoption, *vid.* CHILDREN.
Almshouses: Children in, penalty for, 408; exception, 408, 420; statistics, 416 note, 421, 422. Epileptic in, 338, 380. Feeble-minded in, 336, 338. Insane in, 237, 336, 338, 367, 371. County, proposed, 220, 222, 339; district, proposed, 340. Hartford's first, 22; second, 133. Maintenance in another town, when illegal, 206. Prisoners in, 338. Restraint of inmates, limit to, 213. Towns authorized to establish, 134. Statistics, 1851, 219; 1886-1903, 335; condition of, 338; difficulties in, 339.
Almshouse, State, proposal for, 338; *vid.* TARIFFVILLE.
American School for the Deaf, 247, 381.
Andros, Gov., poor law of, 41.
Apprentices: Laws *re*, 56, 94 *et seq.*, 164, 267, 438 *et seq.* Absconding, penalty, 56, 95, 165, 440; when justified, 168; liability of guardian, 168. Discharge for neglect of education, 165; duty of master, 168. Enticing, penalty, 165, 267, 440. Indenture void, when, 167. Leaving service when under parole agreement, 272. Master liable for, in workhouse, 151. Negligence, penalty for, 165. Not to be warned or removed, 99, 106. Obligations of, 166. Refractory, proceedings against, 168, 439; not sent to reform school, 256. Relief for ill-treatment, 56, 95, 164, 440. Residence, 31. Seduction of *de facto* servant, 272. Suit by guardian for damages, 168. Term, 55, 164, 439. Transfers, 56. What constitutes apprenticeship, 167.
Apprentices, Indian. Laws *re*, 88, 155, 231.
Assistants, Court of: in Connecticut, 29 note, powers, 29; in Massachusetts, 26 note.
Attorney-general, commitment papers for county homes, 409.
Authority, defined, 31.
Avon, 336.

Backus, William W., Hospital, 353 note.
Bailiffs, authority *re* truants, 271, 450.
Barkhamsted, 336.

Bastardy: Laws *re*, 38 *et seq.*, 80, 126 *et seq.*, 202 *et seq.*, 309 *et seq.*; decisions *re*, 129 *et seq.*, 204, 313 *et seq.* Advances by selectmen, effect of, 205. Averment necessary, 129. Bail liable for default, 132. Bastards, how become legitimate, 313; rights of, 316. Binding over, 127, 131, 202, 310, 314. Birth, concealing, 204, 310. Bonds, 39, 127, 132, 311, 312, 316. Charge of judge, proper, 315. Cohabiting by married man, 309. Commitment to jail, when, 127, 310, 311; conditions of confinement, 313. Complaint by mother, 126, 310; withdrawal, *etc.*, of, when, 311; complainant, rights of, 316. Conception, prevention of, 309. Contribution, to whom payable, 127, 311. Damages, suits for, 317. Death, concealing, 40, 128. Delivery, secret, 128, 204, 310. Discharge by mother, 132. Earliest penalties, 38. Evidence admissible, 205, 312, 315; for conviction, 39, 127, 130, 131, 311; *prima facie* case, 202, 311 note, 314. Finding, bar to action, when, 310; sufficient, 131. Fornication, 38, 80, 202, 309. Judgment, 127. Jurisdiction, 40, 127, 202, 310, 313. Jury trial, 128, 312, 314. Liability of father, 38, 127, 311, 316; to town, not affected, 312; method of enforcing, 127, 311. Limitation of prosecution, 128, 312. Maintenance, order for, 132; term, 132; what it includes, 132. Miscarriage, producing, 128, 203, 309; decision *re*, 317. Mother, examination of, 131; a competent witness, 131. Plea in abatement, appeal, 313. Pregnancy, concealing, 128, 310. Recognizance valid for binding-over, 204. Seduction, 203, 309. Settlement of bastards, 115, 180; effect of mother's marriage, 115. Suit, by minor or married woman, 129; by town, 81, 127, 130, 312; nature of judgment, 128, 312; bond, 132, 312, 316; nature of, 129. Summary, 1634-1904, 458.

Beggars, *vid.* VAGRANTS.

Bethany, incorporation of, 108.

Binding-out: By guardians, 438; by industrial school, 261; by parents, 164, 438; by private institutions, 163; by reform schools, 257, 426, 430; by selectmen, 55, 94, 164, 267, 439; by trustees of Hartford Home, 264; of neglected children, 52 *et seq.*, 94, 164, 267, 439.

Blind: Laws *re*, 158, 248, 381 *et seq.* Adults, grants to, 385. Age limits, 248. Annual census, 158, 248, 381. Appropriations, 248, 381. Exempt from license fees, 386; taxation, 249, 386; vagrancy act, 347. Governor commissioner, 248, 381. Policy in 1904, 386.

Blind, Board of Education for: Creation, 382; authority *re* education, 383; compensation, 382; expenditures, 383; grants to adults, 385; members, 382; secretary, 382.

Blind, Conn. Institute for: Authority of, 384; appropriations for, 383, 385; policy, 384; statistics, 386.

Bloomfield, 336.

Boarders, entertainment of, 24, 33.
Bonds, *vid.* BASTARDY, CONSERVATORS, GUARDIANS, RELATIVES, *etc.*
Bridgeport, 222, 338, 372.
Bridgeport Orphan Asylum, 262.
Briefs, Laws *re*, 45, 88; repealed, 149.
Brooklyn, incorporation of, 108.
Burlington, 336.

Catholics, demands *re* county homes, 418.
Cemetery Association, 392.
Charities, Board of Public: Duty *re* burial of veterans, 390; memorial headstones, 392.
Charities, State Board of: Laws *re*, 213 *et seq.*, 331 *et seq.;* defects, 215; summary, 459. Appeal to governor, 214, 332. Authority, 214, 332; *re* boarding of infants, 402; report, 403; county homes, 407, 409, 421; agent, 334, 407; representation on boards, 406. Blind, views *re* policy of state, 384 *et seq.* Duties, 214, 215, 332; *re* insane asylums, 363. Expenses, 215, 334. Meetings, 333. Members, 213, 332. Reports, 215, 333. Secretary, 332, 334; authority, 334. Views *re* boarding children, 417; commitments to private institutions, 417. Visits, 214, 215, 332, 431.
Charity Commissioners, 321.
Cheshire, incorporation, 74; duty *re* poor, 74.
Children: Abandonment, 167, 269, 442. Adoption, method of, 266, 437; annulment, 266; approval, 266, 438; inheritance, 266, 438; notice, 266, 438; by county homes, 413; married persons, 438; private asylums, 424. Born in jail, *etc.*, liability for, 208, 323. Cruelty to, 443. Custody, after divorce or separation, 167, 269, 442. Employment, under 14, 444; under 16, hours, 444; certificate, 446, 448; between 14 and 16, 447; hours, 270. Occupations, 444; supervision of, 448. Enticing, 167, 442; by divorced parent, 442. Father, liability for child, 443; right to custody, 272. Foundlings, adoption, 266, 437. In almshouse, penalty, 408; exception, 408, 420; statistics, 416 note, 421, 422. Incurable, provisions for, 422. Infants, boarding of, regulated, 402-403; inspection, 402; penalties, 403; reports, 402; *cf.* MATERNITY HOSPITAL. Loitering, 450. Mother guardian of daughter, 169. Neglected, bound out, 55, 94, 164, 267; guardians for, 268, 441. School attendance, 270. Sentenced to workhouse, 63, 151. Stubborn, 51, 94. Support after divorce, 117, 182, 287. Under 16, not sent to jail or workhouse, 425. Summary, 1634-1904, 462. *Vid.* COUNTY TEMPORARY HOMES, EDUCATION, PROBATION, RELATIVES, SETTLEMENT, SOLDIERS' ORPHANS.
Children, Institutions: Appropriations, 262; authority to become guar-

dians, 424; to bind out, 163; to give in adoption, 424. Binding to, by selectmen, 267, 439; support, 267, 439. Statistics, 423.
Colony: Liability *re* insane, 90; for unsettled persons under insanity law, 82; under sickness law, 82; for the poor, 81 *et seq.;* for the sick, 44, 82. Reimbursement by, 23, 84. Statistics of relief, 85. Transportation, 85. *Vid.* STATE.
City: Authority *re* maternity hospitals, 403. *Vid.* TOWNS.
Clark Institute, 247.
Cole, C. J., 265.
Comptroller: Authority *re* burial of veterans, 391; marking graves, 391; soldiers' monuments, 392. Duty *re* insane, 370; poor, 139, 323; contract, 139, 209, 323; with towns, 324; settlement of accounts, 140, 209, 324. Notice *re* state paupers, 141, 208.
Conn. Children's Aid Society, 422.
Conn. Humane Society, 443 note; authority *re* boarding of infants, 403; county homes, 409; cruelty to child, 443.
Conn. Institute for the Blind, 383 *et seq.* *Vid.* BLIND.
Conn. Invalid Home, 200.
Conn. Prison Association, 378, 436.
Conn. Register, 217.
Conn. School for Boys: Act constitutional, 428; administration, 432 *et seq.;* abuses, 434, 435; agent, duties, 427, 433; appeals, 430; boys under ten, 425, 435; commitment, 430; cost and support, 426; county homes, relation to, 410; death, notice of, 431; escapes, 431; government, 424; indenture to, 431; support, 431; location, 424; management, 424; manual and physical training, 434; release, 426, 433; religious instruction, 430; school full, 426; statistics, 433-436; supervision by board of charities, 431; board of health, 432; term, 426; those committed, 425; transfers, 434; truants, commitment of, 450. Trustees, authority *re* wards, 425; to bind out or place at employment, 426, and return, 426; to control earnings, 427; to place in home, 426; to release on probation, 426; to transfer to county homes, 427; to visit, 427. Use by U. S., 425. *Vid.* STATE REFORM SCHOOL.
Conn. Soldiers' Home, 251.
Conn. Soldiers' Orphans' Home, 254; allowance for orphans, 252.
Conservators: Laws *re*, 76, 118 *et seq.*, 183 *et seq.*, 289 *et seq.* Decisions *re*, 120, 194, 299 *et seq.* Acts valid under authority of court, 302. Appeal, 184, 292. Appointed for whom, 118, 195, 289, 299, 300; appointment authorized, 76; obligatory, 118; method, 118, 185, 195, 289; new, on change of settlement, 190, 291; delivery of estate, 190, 291; for one under overseer, 197, 289, 305; when valid, 120, 185, 195, 299; vacancies, 293. Authority *re* arbitration, 121, 295;

entering ward's house, 195; giving mortgage, 193, 295; leasing real estate, 121, 302; releases of damages, 296; releasing legal title, 296; selling growing wood, 121, 294; state bank stock, 194, 296; stock subscription, 296; suits, 121; transferring ward's property, 196. Bonds, 119, 189, 292, 301; on appeal, 184, 292; security, 120, 292; surety, liability of, 293; relief of, 189; disclosure by conservator, 189, 292. Claims against ward's estate, 194. Delivery of property, authority to compel, 193, 294. Disability of ward, 301; begins when, 290; ward cannot give deed, 121. Disclosure of property to, or lien, 297. Duties of, 119, 191, 291, 294; for married women, 291; for non-residents, 187 *et seq.* Duty of executor of, 297. Estate, return of, 296; sale of, 76, 119, 187, 191, 294. For citizen and resident of other state, 186 *et seq.*, 298; already under guardianship, 186, 298; not under guardianship, 186; owner of personal property, 188, 298; for insane removed from state, 189; for married women, 185, 186, 290; for non-resident, 187, 188, 290. Investments, 192; valid, 295. Jurisdiction, transfer of, to probate court, 184, 185, 195; which court has, 184, 289, 300; after death of ward or conservator, 120 and note. Liability, 121, 296, 302. Married women may act, 290. Mismanagement, 293; damages, 303. "Property," defined, 300; restoration or disposal of, 119, 297. Removals, 293; reports, 191, 296; resignations, 190, 293. Rights of wife of man under C., 291. Trustee for missing person's property, 292. Ward, testimony of, 300. Summary, 1634-1904, 457.

Constable: Removal of strangers, 31, 33, 99, 137; significance, 31 note.

Convicts, importation of, 104, 106, 173.

"Council," defined, 44.

County, liability *re* county homes, 414.

County Commissioners: Authority *re* county homes, 406, 415; jails, 225, 227, 349; workhouses, 348; number, appointment, 225 note.

County Temporary Homes: Authorization, 404; age limits, 405, 420; appropriation by state, 405; exclusion, method of, 405; for whom, 405; purpose, 405. Catholic child in Protestant home, 416. Charities, authority of state board, 407. Commitments, by courts, 409; individuals, 408; support, 408; by selectmen, 408; term, 408; penalty, 408; by transfer from reform schools, 409, 410, 427, 429; appeals, 410; term, 409; method, 409; to individuals or institutions, 411; transfers by courts, 411; to private institutions, discussed, 417; inmates, number, 417. Management, board of, members, 406; authority, general, 406; adoption, 413; education, 415; estimates, 414; private homes or institutions, 407; removals, 412; transfers to homes or institutions, 407, 411, 412, 417; after transfers, 412; *re* wards, 412; meetings, 407, 421; rights constitutional, 416. Par-

ents not entitled to earnings, 413. Placing-out, 412, 417; statistics, 418; visiting, 407, 421. Receipts, 420. Releases, 411. Religious instruction, 413, 416. Removals, 413. Results, 421. Statistics, 416 *et seq.* Support, in institutions or private homes, 411; liability of county, 414-416; parents, 414; state, 413; town, 414; methods discussed, 419. Town committees, duties, powers, 406; meetings, 408.

Court of Common Pleas: Composition, 202 note. Authority *re* apprentices, 440; bastardy, 202, 310; county homes, 410; cruelty to child, 444; of prosecuting officer *re* workhouses, 350. Probation officer, 436. Where established, 310 note. Litchfield Co., authority *re* Indians, 354.

Court, County: Composition, 29 note, 36 note, 60 note, 109 note; authority *re* apprentices, 165; bastardy, 40, 127; conservators, 76, 118; after death of conservator or his ward, 120; jails as workhouses, 225; appointment of overseers, 122; overseers for Indians, 153; relatives, 75; sale of real estate, 76; widows, 79; workhouse, 62. Duty regarding sickness, 43.

Court, District: Authority *re* apprentices, 440; cruelty to child, 444.

Court, District, of Waterbury: Authority *re* bastardy, 310; county homes, 410.

Court, General, court of appeal, 29 note.

Court, Local: Authority *re* county homes, 409, 411; maternity hospitals, 403; truancy, 271, 449; probation officers, 436.

Court, Particular, 29 note.

Court, Probate: Composition, 109 note. Authority *re* adoption, 413, 438; asylums for inebriates, 308; blind children, 383; boarding of infants, 403; conservators, 184, 185, 195, 290 *et seq.;* county homes, 409; feeble-minded, 380; guardians, 268, 441; incurable children, 423; insane, 358 *et seq.;* insane poor, 361 *et seq.* *Vid.* JUDGE, PROBATE.

Court, Superior: Composition, 30 note, 83 note, 109 note, 181 note. Authority *re* almshouses, 134, 321; apprentices, 440; asylums for inebriates, 201; bastardy, 202, 310; conservators, 184, 292, 300; county homes, 409, 410; criminal insane, 244, 374; cruelty to child, 444; custody of minors, 269, 442; discharged veterans, 389; Indian overseers, 229, 354; Indian lands, 230, 355; insane, 359; jails as workhouses, 225, 227, 350; liability of divorced parents, 182; overseers, 197, 304; relatives, 181, 285; truancy regulations, 271; vagrants, 346. Membership in board of education for blind, when, 382. Probation officers, 436. *Vid.* JUDGE, SUPERIOR COURT.

Court, Supreme: Composition, 109 note; chief justice, member of board of education for blind, 382.

Currency, change in, 101.

Danbury, 84, 422.
Danbury Hospital, 353 note.
Darien Home, 307.
Darien, Spring Grove Cemetery, 391.
Day-Kimball Hospital, 353 note.
Deaf and Dumb: Laws *re*, 158, 247, 381; age limits, 158, 247; annual census, 158, 248, 381; appropriations, 159, 247, 381; governor commissioner for education of, 158, 381.
Divorce: Effect on settlement, 114; parents' obligation to support children, 117, 182, 287.
Domicile: Defined, 178; "belong" not imply domicile, 177, 178 note; proof of, 327.

East Granby, 336.
East Haddam, 222.
East Village, New Haven: Incorporation, 34; duty *re* poor, 34.
East Windsor, incorporation, 73.
Education: Duty of employers, 165; grand jurors, 54; ministers, 54; parents, 52, 94, 163, 270, 445. Early requirements, 52 *et seq.* Evening schools, 447 note. Required school attendance, 270, 445, 447; exceptions, 445, 446; penalty, 445; private school, attendance at, 446; school census, 272, 415, 451. School visitors, *etc.*, duty *re* employment of children, 448. *Vid.* CHILDREN, EMPLOYMENT; PARENTS, TRUANCY.
Education, State Board of, 269, 415 note. Age records, 447. Authority *re* county homes, 415; employment laws, 448; agents, 448.
Employers: Liability under education act, 270; obligation *re* small-pox, 183, 287. *Vid.* EDUCATION, APPRENTICES.
Employment, *vid.* CHILDREN.
Epileptics: In almshouses, 338, 380; marriage regulated, 318; need of provision for, 380.
Estate: Disclosure of, by applicant for aid, 288; liability of, of criminal insane, 244, 374, 375; of insane, 49, 288, 360; for support of widow, 79; for support in inebriate asylum, 201; in workhouse, 151, 348. Pauper's estate, liability of, 288; at disposal of selectmen, 118, 183, 288; veteran's, when liable to state, 391. *Vid.* CONSERVATORS, OVERSEERS.

Fairfield County, 220, 310 note, 418; workhouses in, 149.
Father: Child, liability for, 443; right to custody of, 272.
Feeble-minded: Laws *re* 245 *et seq.*, 379 *et seq.* In almshouses, 336, 338. Care of, 245; of convicts, 380; marriage of, 318; proposed state school, 246. Idiocy, cost, 246; statistics, 245. Lakeville

School founded, 246; appointments by governor, 379; appropriations by state, 247, 379; commitments, 380; need of, 380; statistics of, 247, 379; support, 380; transfers from girls' school, 429.
Female Beneficent Association of Fairfield, 163.
Fitch's Home: Allowance for orphans, 252; establishment, 251. *Vid.* PENSIONS.
Foreigners, holding of land by, 72, 98 note, 105, 173.
Fornication, *vid.* BASTARDY.

General Hospital Society: Appropriations, 228, 229, 353 note; incorporated, 143; settlement of pauper's child born there, 174; soldiers, treatment of, at, 250, 393.
Gilbert Home, 407.
Governor, 29. Appointment of consulting physician for prison, 376. Approval of state hospital bills, 239. Authority *re* board of education for blind, 382; charities board, 213, 332; criminal insane, 375; Fitch's Home police, 394; hospitals, 352; incurable children, 423; insane asylums, 365; insane poor, 361; Lakeville School, 379, 380; soldiers' monuments, 392; surgical care of soldiers, 250, 393; transfers of criminal insane, 244. Commissioner for blind, 248, 381; for deaf and dumb, 158, 381; for insane, 236. Director industrial school, 260, 428. Member soldiers' hospital board, *q. v.*, 393.
Governor, Deputy, 29.
Governor, Lieutenant, director industrial school, 260, 428.
Grace Hospital, 353 note.
Grand Jurors: Defined, 36. Authority *re* cruelty to child, 443; education, 54; girls' school, 260, 428; idle persons, 36; vagrants, 346.
Guardians: Age for choosing, 56 note. Authority *re* adoption, 266, 437; girls' school, 260, 428; indenturing, 439, 440; truant girls, 271. Duty *re* age certificate, 446; falsification, 448; employment of child, 270. For abandoned child, 441; for children of unfit parents, 268, 441; bonds, 269.
Grants, by colony, 87.
Greenwich Hospital, 353 note.
Groton, 335.

Habeas Corpus, for insane, 362.
Hartford, 217 *et seq.*; first town farm, 22; neglect of pauper by, 84; out-door relief in, 342. Ladies' Beneficent Society, 262; St. Francis Hospital, 353 note; Watkinson Juvenile Asylum, 262.
Hartford County, 220, 310 note.
Hartford Dispensary, 229.

Hartford Female Beneficent Society, 162, 262.
Hartford Home, history, 263-265; commitments, 263; government, 263; those committed, 263; trustees, powers, 264.
Hartford Hospital, incorporation, 228; appropriations, 228, 353; settlement of pauper's child born there, 174; soldiers, treatment of, at, 250, 393.
Hartford Orphan Asylum, 162, 163, 262; allowance for soldiers' orphans, 252, 400.
Health, Board of, selectmen constitute, 143.
Health, State Board, 402 note; authority *re* boarding of infants, 402; boys' school, 432; representation on county boards, 406.
Hebron, 222.
Home for the Friendless, 262.
Hospitals: Appropriations to, 228, 352; list of, 353 note.
Host, liability of, *re* guest, 27, 69, 117, 183; repealed, 287.

Idiots, settlement of, 115; *vid.* FEEBLE-MINDED, INSANE.
Idleness: Laws against, 35 *et seq.* Binding out of idle persons, 36. Selectmen, authority, 77; disability of one under, 78; inventory of property by, 78. Workhouse sentence, 63. Summary, 1634-1904, 457; *vid.* OVERSEERS.
Indians: Laws *re*, 46 *et seq.*, 88 *et seq.*, 153 *et seq.*, 229 *et seq.*, 354 *et seq.;* laws *re* Indian apprentices, 88; repealed, 155; law of 1872, 231, 357. Action of debt, 46. Golden Hill tribe, 356. Land laws, 46, 47, 89, 154, 230, 355. Liquor laws, 47, 89, 155, 230. Mohegans, land laws, 356. Overseers, appointment, 153, 229, 354; bond, 154, 229, 355; duties, 153, 229, 354. Statistics of relief by colony, 86.
Industrial School for Girls: Laws *re*, 259 *et seq.*, 428 *et seq.;* incorporation, 260; location, 260, 428; ages, 260, 428, 429; administration, 432; alternative sentences, 261, 429 note; appeals, 430; appropriations, 260; binding-out by, 261, 430; commitments, 260, 428, 430; those committed, 260, 428; death, notice of, 431; directors, authority *re* girls, 261, 429; education, 430; escapes, 431; government, 260, 428; indenture to, 431; support, 431; investigation of 1866, 259; *mittimus*, indorsement, 261, 429; powers of, 260, 261, 430; relation to county homes, 410; religious instruction, 257, 430; statistics, 262, 432; supervision of board of charities, 214, 431; support, 261, 430; cost, 261; after transfer, 430; suspension of judgment, 261, 429; term, 261, 429; transfers to county homes, 429; to school for imbeciles, 429; validation of act of Middletown, 260.
Inebriate, *vid.* INTEMPERANCE.

Infants, *vid.* CHILDREN.
"Inhabitants," defined, 282.
Inhabitants, *vid.* SETTLEMENT.
Insane: Laws *re*, 47 *et seq.*, 89 *et seq.*, 155 *et seq.*, 231 *et seq.*, 357 *et seq.* Appeals, 359. Appropriations, 236, 239. "Asylum" defined, 357; license for, 365; penalties for keepers, 363; reports to state board, 364. Census, 234. Charities, recommendations of board of, 364; supervision, 214, 363. Commitment of indigent or pauper, 361; to private hospitals, 361; by governor, when, 361; method, by individual, 240; by justice of the peace, 240; by judge of superior court, 241, 360; by probate court, 357; hearing, certificates, 358; execution, by whom, 359, 361; expense, 360; suspension, 359; from other states, 364; on personal application, 361; unjust, penalty, 362; investigation, 362. Complaints, 156, 358. Confinement in jail, 155; in workhouse, 63, 90; repealed, 151. Detention pending proceedings, legal, 372; temporary, 358. Discharge, by justice, 156; by probate court, 360; by judge of superior court, on application of individual, 241; of officers of institution, 242; by authorities of asylums, 242, 363. Duty of colony, 90; of towns, 90; of towns in 1699, 48; of town officials, 155, 241, 358, 360. Early New Haven case, 47. Governor commissioner, 236. In almshouses, 237, 336, 338, 367, 371. Insanity, proof of, 372. Liability of estate, 90, 242; of parents, 242; of relatives, 90, 242. Methods of care, 50, 157; putting out to service, 90, 120, 156. Not subject to overseer, 123. Release, application for, 362; removal by friends, 242; by selectmen, 360. Sale of estate, 48. Transfers by probate court, 360. Statistics for 1821, 157; 1837-39, 231; 1866, 237. Summary, 1634-1904, 461. *Vid.* CONSERVATORS.
Insane, Retreat for: Charter, 157; administration, 157; appropriations, 236; charity patients in, 158; offer *re* indigent patients, 1840, 235; statistics *re* patients, 236; state patients, 236; town contracts, 236, 242, 371.
Insane, State Hospitals: Proposed in 1839-40, 233; offer of Retreat, 235. MANSFIELD, 367. MIDDLETOWN: Authorized, 237; administration, 366; admission, 238; decision *re* suit by, 373; enlargements, 368; government, 238, 366; opened, 239; powers, 366; price for care, 239, 369; support, 238, 369. Authority of probate judge, 238, 361 *et seq.;* confinement of criminal insane, 244; duty *re* insane convicts, 376; indigents, support of, 370; statistics, 240, 367; support, method of, 370; interpretation, 373; tax for, 370; transfers from Fitch's Home, 396. NORWICH: Proposed, 368; authorized, 368; appropriation, 369; government, 369.
Insane, Criminal: Acquitted for insanity, 243, 374; support of, 374;

appeal, 244; confinement, extension of, 375, 376; dismission, 376; confinement in jail, 156, 243; in prison, 243, 377; in state hospital, 244, 374, 375; in "suitable place," 243; in custody of individual, 156, 243, 244, 374; insanity, proof of, 379; jail, insane convict, 375; jail, insane inmate, waiting trial, 374; overseers for, 244, 374; prison, consulting physician, 376; insane convicts, men, 244, 377; women, 244, 377; transfer, 244; support on release, 378; insane ward at prison, 243, 377 note; release, 157, 244, 374.

Institutions for defectives, *etc.*, location of, 423.

Intemperance: Laws *re*, 36, 125, 199, 306. Confinement for, proposed, 232. Liquor, sale forbidden, 125, 199, 306. List of intemperate paupers, 306. Separate maintenance for wife, 307. Summary, 1634-1904, 457.

Intemperate, Institutions for: Commitments, 200, 307; term, 201, 308; to individual, 308; discharge, 201, 308; maintenance, 201, 308; release, 201, 309.

Jail, child under 16 not committed unless, 425; as workhouse, 60. *Vid.* INSANE, CRIMINAL; WORKHOUSE.

Judge, Police Court: Authority *re* Hartford Home, 263; industrial school, 261. *Vid.* COURT, LOCAL.

Judge, Probate: Authority *re* adoption, 266; industrial school, 261; insane hospitals, 238. *Vid.* COURT, PROBATE.

Judge, Superior Court: Authority *re* criminal insane, 374; commitment of insane, 241, 359, 360; discharge of insane, 241, 362. *Vid.* COURT, SUPERIOR.

"Jurisdiction," defined, 26 note.

Justice of the Peace: Origin, 36 note. Authority *re* apprentices, 165, 439; Indian apprentices, 88, 231; bastardy, 40, 126, 202, 310, 313; county homes, 419; industrial school, 261, 428; insane, 48, 156, 240, 361; overseers, 122; reform school, 256, 425; tax exemption, 87; truants, 271, 449; workhouse, colony, 62; county, 67, 349; town, 152, 349.

Knight, Dr. Henry M., *vid.* FEEBLE-MINDED.

Ladies' Beneficent Society, Hartford, 262.

Lakeville School, *vid.* FEEBLE-MINDED.

Lisbon, incorporation, 108.

Litchfield County, 220, 310 note, 407 note; Court of Common Pleas, authority *re* Indians, 354.

Litchfield County Hospital, 353 note.

Magistrates, Court of, defined, 28 note; authority *re* settlements, 28.
Mansfield, 254, 367.
Marriage, prohibited, for whom, 318.
Masters, liability of, *re* servants, 27, 31. *Vid.* APPRENTICES, SLAVES.
Maternity Hospital: Licenses for, 403; records and inspection, 404.
Memorial Hospital, 353 note.
Meriden, 372; seat of reform school, 255, 424.
Meriden Hospital, 353 note.
Middlebury, 310 note.
Middlesex County, 220.
Middlesex County Orphans' Home, 423.
Middlesex Hospital, 353 note.
Middletown: Seat of industrial school, 428; act *re* industrial school, 260; Middlesex Hospital, 353 note.
Middletown Orphan Asylum, 163.
Minors: Laws *re*, 50 *et seq.*, 94 *et seq.*, 162 *et seq.*, 255 *et seq.*, 401 *et seq.* Settlement by commorancy, 111. *Vid.* CHILDREN, EDUCATION, SETTLEMENT.
Miscarriage, *vid.* BASTARDY.
Mohegan Indians, land laws, 356.
Morgan, N. H., 264.
Mystic Oral School, 381.

Naugatuck, 310 note.
Neglect, cases of, 84, 90.
Negroes: Exemption from taxation, 224; repealed, 224; schools for, regulated, 104. *Vid.* SLAVES.
New Britain Hospital, 353 note.
New England Institution for the Blind: Education of blind in, 248.
New Haven, 217 *et seq.*, 344, 372. Early laws *re* education, 53; insane, 47; relatives, 34; settlement, 26; strangers, 24; stubborn children, 51. Out-door relief in, 23. General Hospital Society, *q. v.;* Grace Hospital, 353 note; Home for the Friendless, 262; St. Francis Orphan Asylum, 262, 418. Workhouse authorized, 149.
New Haven County, 220, 310 note, 436 note.
New Haven County Anti-Tuberculosis Association, 353.
New Haven Dispensary, 229.
New Haven Orphan Asylum, 163; allowance for soldiers' orphans, 252, 400.
New London, 217 *et seq.;* Memorial Hospital, 353 note.
New London County, 220, 310 note.
New Towns: Effect of incorporation on settlements, 33, 73, 107, 175, 280; construction of acts of incorporation, 112, 179; responsibility

for paupers according to residence, 74, 107, 176, 280; according to tax lists, 74, 107, 176; determined by committee, 74.
Newington, home for cripples, 422.
Norwalk, abatement of taxes, 87.
Norwalk Hospital, 353 note.
Norwich, 220, 221; Backus Hospital, 353 note; State Hospital, 368; Workhouse authorized, 149.

Overseers: Laws *re*, 77 *et seq.*, 121 *et seq.*, 196 *et seq.*, 303 *et seq.* Decisions *re*, 123. Action against selectmen, 124. Appeals, 122, 304. Appointment authorized, 78; for whom, 121, 123, 303; for criminal insane, 244; method, 121, 196, 198, 303; term, 122, 123, 199, 304; when invalid, 123; for insane, invalid, 123; illegal or invalid, damages, 124. Disability of ward, 79, 122, 124, 198, 304; in case of vacancy, 123. Duties and powers, 122, 304; sale of real estate, 122; removal, revocation of appointment, 122, 304; restoration of property, 122, 304. Settlement by commorancy, 111. Statute, construction of, 123. Overseer in second stage: appointment, duties, 122, 198; repealed, 197.
Overseer, Indian, *vid.* INDIANS.

Parents: Complaints *re* girls' school, 260, 428; truant girls, 271. Duty *re* age certificates, 446; falsification, 448; education, 52, 94, 163, 270, 445; employment of child, 270. Liability after divorce, 287; for children in workhouse, 151, 348; *re* county homes, 414-416; for insane son, 242. Pauperism of child, effect, 206, 211, 283. Power *re* adoption, 266, 437; binding out, 164, 439.
Pauperism, cost of, 1903, 344. Investigation, 1851, 215 *et seq;* statistics *re* age, 218; character, 219; cost, 216; nativity, 219; sex, 218; methods, numbers of paupers, 219; proposed county system, 220. Investigation, 1874, 221 *et seq;* statistics *re* amount, 221; cost, 222; methods, 222; proposed county system, 222.
Paupers, *vid.* POOR.
Paupers, State: By revision of 1875, 208. *Vid.* STATE.
"Peculiar," defined, 48 note.
Pension laws, 50, 91 *et seq.*, 159 *et seq.*, 249 *et seq.*, 387 *et seq.* Appointment, preferment for, 389. Burial of veterans by state, 250, 390; liability of estate, 391; cemetery association, fine, 392. Conn. pension law, 162, 249, 387. Direct grants, 93, 387. Discharge of veterans, 389. Emergency appropriations, 249, 400. Graves, marking, 391; memorial stones, 391. Knight General Hospital, 250. Medical and surgical care, 250, 393, 395. Obligations of pensioners, 93. Peddlers' licenses, 389. Relief of disabled soldiers, seamen,

and marines, 92, 159; care and home, 396; Conn. residents, 396; dipsomaniacs, 395; families, 396; insane, care of, 396; married veterans, proposals *re*, 398; sick soldiers, 91, 93; wounded, 50, 93; out-door relief, 397; statistics, 398. Soldiers' monuments, 392. Summary, 1634-1904, 462. Tax, exemptions, *vid.* Tax. Fitch's Home: Chartered, 251; admission, payment for, 394; authority of soldiers' hospital board, 395; insane inmate, 396; management, 399; police for, 394; statistics, 399. Soldiers' Hospital Board: Authority *re* burial of veterans, 391; marking graves, 391; hospitals and homes, 393, 395, 400; agents and officers, 395, 397; applications, 394; compensation, 394; investigation, 394; relief, 395 *et seq.*; transportation, 394; creation, 393; expenditures, 398; members, 393. *Vid.* Soldiers' Orphans.

Pension moneys, exempt from execution, 251, 388.

Perkins Institution, 381, 386.

"Plantation," defined, 25 note.

Police: Authority *re* truants, 271, 450; girls' school, 261, 428.

Poor: Burial of pauper by town of residence, 137, 207, 322. Charity commissioners, 321. Children, binding-out, 55; incurable, 422. Contract by town recognized, 134; regulated, 320; forbidden, 320, 321. Degree of need constituting pauperism, 144, 210, 326. Disclosure of property by applicant, 288. First poor law, 1673, 41. Limit to expenditure, 42. Marriage regulated, 318. Medical care, 321. Method of relief in 1680, 22. Parent of pauper minor a pauper, 206, 211, 283. Pauper's estate liable, 288. Penalty for leaving, in town, 100, 106, 173, 278, 280; rule for damages, 113. Reimbursement by colony, 1657, 23. Reports to town, 41. Removal to almshouse, 134, 145, 281, 319, 320. Colony Poor: Responsibility of colony, 1673, 30; statistics, 85. State Poor: Removal to contractor, 139, 323; support by contract, 139, 323. *Vid.* Colony, Selectmen, State, Town.

Prices, regulation of, 57.

Prison, consulting physician, 376. *Vid.* Insane, Criminal.

Privy Council, 22, 59.

Probation law, 436; officers, appointment, 436; duties, 437; number, 436 note.

Prospect, 310 note.

Quartermaster-general: Duty *re* burial of veterans, 390; marking graves, 391; soldiers' monuments, 392.

Quorum: Defined, 41 note; duty of justice of peace of, 41.

Reformatory: *Vid.* Conn. School for Boys, Industrial School for Girls, State Reform School.

Registrar of births, marriages, deaths: Age certificates, 446; birth record, 446; deaths in reform schools, 431.
Registrar of vital statistics, 402.
Reimbursement: By colony for insane, 91; for sickness, 44; of towns by executors or heirs, 82. *Vid.* STATE, TOWNS.
Relatives: Laws *re*, 74 *et seq.*, 116, 181, 283 *et seq.* Decisions *re*, 116, 181. Assessments exclusively prospective, 116, 181; jurisdiction of county courts, 75, 181; superior court, 181, 285; husband liable, 181, 284; judgment, valid, 286; liability of children on implied promise, 181; no liability under action of debt, 116; liability for feeble-minded, 380; incurable children, 423; insane, 75, 360; poor, 75; sick, 83; liability, how enforced, 75, 181; mother, support of, where, 286; need, estimate, 286; obligation enforceable only by town of poor person's settlement, 116; parents' obligation, effect of divorce, 117, 182; relatives by marriage, not liable, 116; relief from assessment, 181, 285; responsibility, 34; responsibility in Mass., 35 note; summary, 1634-1904, 456; trust, continuation for incapable, 285. *Vid.* WIDOWS, WORKHOUSE.
Relief, Methods: Laws *re*, 40 *et seq.*, 81 *et seq.*, 133 *et seq.*, 205 *et seq.*, 319 *et seq.*; by county, proposed, 220, 222, 339; by districts, proposed, 340; summary, 1634-1904, 458. OUT-DOOR: In New Haven, 23; statistics *re*, 341 *et seq.*; *cf.* 397. TOWN SYSTEM: Strength, 464; weakness, 464.
Removal, for non-payment of taxes, 102. *Vid.* SETTLEMENT.
Residence, basis of liability of new towns, 74. *Vid.* SETTLEMENT.

St. Francis Hospital, 353 note.
St. Francis Orphan Asylum, 262, 418.
Sanford, *vid.* TARIFFVILLE.
Secretary of State, director, industrial school, 260, 428.
Seduction, *vid.* BASTARDY.
Selectmen: Number and election, 24 note. Authority *re* abating taxes, 86, 147, 148, 224, 335; duties *re id.*, 103; abandonment of family, 284; adoption, 266, 437; apprentices, 440, 441; bastardy cases, 81, 127, 130, 312; suits, 81, 127; binding-out neglected children, 55, 94, 164, 267, 439; support, 267, 439; boarding of infants, 402; children's institutions, 424; conservators, 118, 289; contracts with Retreat, 236, 242, 371; commitments to inebriate asylums, 308; disclosure by applicant for relief, 288; foundlings, 266, 437; idle, 36; *cf.* OVERSEERS; industrial school, 260, 428; laying taxes, 45, 88, 149, 224, 335; bringing back paupers, 281; pauper's estate, 118. 183, 288; pauper's debts, 213; pauper accounts, 213; pauper's settlement, 146; removal of paupers, 319; reform school, 256; support

by relatives, 75, 116, 285; tax-exemption of blind, 249; warnings, 29, 30, 68, 99; limited to persons without Conn. settlements, 101; repealed, 280; vagrants, 346, 347. Conventions of, *re* pauperism, 344. Duty *re* burying paupers, 137, 207, 322; burial of veterans, 390; memorial headstones, 392; census of insane, 234; county homes, 406, 408; education, 52 *et seq.*, 163, 270; repealed, 451; feeble-minded, 380; incurable children, 423; insane, 155, 241, 358, 360; criminals, 374; insane poor, 361; insane hospitals, 238; intemperate paupers, 306; care of poor, 41, 42, 83 note, 135 *et seq.*, 206, 208, 321 *et seq.*; penalty for neglect, 135, 206, 211, 322; returns of blind, 158, 248, 381; of deaf and dumb, 158, 248, 381; soldiers' orphans, 252, 400; penalty, 253, 401; state paupers, 324, 328; notice to comptroller, 141, 208, 324; statistics of pauperism, 333. Liable for soldiers' orphans' bounty, 401. Liability under overseers act, 124. Overseers of poor, 321. Penalty *re* children in almshouse, 408. Personally liable, when, 146. Town board of health, 143.

Servants, not enlisted without consent of master, 169. *Vid.* MASTERS, SLAVES.

Settlements: Laws *re*, 26 *et seq.*, 68 *et seq.*, 97 *et seq.*, 172 *et seq.*, 276 *et seq.* Decisions *re*, 109 *et seq.*, 176 *et seq.*, 281 *et seq.* Absence, effect of, 112, 177, 179, 281. Acquired by inhabitants of Conn., 71, 98, 101, 106, 174 note, 277, 279; inhabitants of other states, 70, 98, 105, 173 note, 277, 279; one year's residence, 102; those without settlement in U. S., 98, 105, 277, 278. Agreement by towns *re* support, effect of, 180. "Belongs" implies settlement, 177. Birthplace is settlement, 109; not for pauper's child, 174, 280; for slave's child, 115; when superseded, 111. By consent of local authorities, 70, 98, 105, 173 note, 279; method, 104, 279; by holding public office, 70, 98, 105; repealed, 172; by owning real estate, 70, 98, 102, 105, 106, 173 note, 279; conditions, 110, 279; by vote of inhabitants, 70, 98, 105, 173 note, 278, 279. Certificate laws, 32, 71, 99; effect of not lodging certificate, 110; repealed, 101. Of children, effect of divorce, 114; completed by, 279; illegitimate, 115, 180; effect of mother's marriage, 115; legitimate, 114, 180, 278; of those without settlement, 283. COMMORANCY: Defined, 28; laws *re*, 30, 68, 100, 174 note; for elector, 283; for foreigners, 110, 177, 277, 282; for minors, 111, 281; for native of other state, 282; for native of U. S., 282; for naturalized alien, 283; for one *non compos mentis*, 177; for one under overseer, 111; for slave, 180; for ward, 111; imprisonment interrupts, 178; self-support, defined, 281. Conn. inhabitants with certificates, not to be removed, 71. Conn. inhabitants settled by one year's residence, 98; if not pauper, 110, 174 note; by six years' residence, 101; and payment of taxes, 102, 103, 106,

174; by four years' residence, 277, 279. Corporal punishment, 104. Divorce, effect of, 114. "Inhabitant," defined, 282. Laws of 1702, 32; of 1770, 70; of 1789, 97; of 1875, 277; modified, 278; repealed, 278. Loan by selectmen no bar, 111. Loss of, 109; through acquisition of settlement in another state, 179, 280; how regained, 112, 177, 280; of former inhabitant restored, 176, 280. Marriage, valid, effect of, 113, 174, 278, 279, 283; void, 114; to slave, 180. Moral qualification, 26, 32; repealed, 98 note. Mortgage, satisfied, no bar if unrecorded, 177. Pauperism of abandoned wife a bar, 178; pauperism of a child a bar, 111; of parent not a bar, 111. Pauper's settlement not affected by marriage, 279. Payment for support, evidence *re* settlement, 213. Proof of settlement, 109, 176. Removal by town of residence, 29 *et seq.*, 70, 99, 277, 280; limits, 101, 106, 173 note, 277, 280; by town of settlement, 103, 106, 113, 145, 174 note, 207, 278, 280, 281; general limits, 27, 113, 173; for non-payment of taxes, 102; of foreigners, 72, 173. Report of 1875, 276. Residence of six years makes non-inhabitant of Conn. charge of town, 101, 105; repealed, 173. Slaves, settlement of, 115, 180. Summary of laws, 1784, 72; 1838, 105; 1875, 173 note; 1634-1904, 455. Taxes, non-payment of, a bar, when, 178, 281; not a bar, 280. Three months' law, 29, 32, 71, 100, 106, 173. Towns to admit inhabitants, 26, 32. Town not bound by arbitration, 281. Transfer of territory, effect of, 179. Widow, completion by, 279. *Vid.* Host, New Towns, Strangers.

Sheriffs, authority *re* truants, 271, 450.

Shipman, Judge N., 265 note.

Sick, laws for care of, 43, 82, 228, 352.

Sickness: Law Title "Sickness," 43 *et seq.*, 82. Dispensaries incorporated, 229. Restriction of law, 143, 223. Three months' law, 29, 33, 43, 83. *Vid.* Hospitals.

Simsbury, 336.

Single person, entertainment of, 33; repealed, 69.

Slaves: Laws *re*, 37, 80, 125, 201; emancipation of, 201; importation, 80; liability of towns, 38, 144; restriction on movements, 32; settlement, 115, 180; of children, 115; support of, by masters, 37, 201; how escaped, 80, 125; term of servitude, 80, 126.

Smallpox, obligation of employer, 183.

Soldiers' Hospital Board, *vid.* Pensions.

Soldiers' Orphans: Appropriations, 252. Relief of, laws *re*, 252 *et seq.*, 400; ages, 252, 253, 400; amount, 252, 253, 400; basis of payment, 252, 400; for whom paid, 252, 253, 400; penalties, 253, 401; statistics, 401; to whom paid, 253, 401. *Vid.* Conn. Soldiers' Orphans' Home.

Southbury, 310 note.
Southington, incorporation, 74; duty *re* poor, 74.
Southold, 23.
Special legislation, 46 *et seq.*, 88 *et seq.*, 149 *et seq.*, 224 *et seq.*, 345 *et seq.*
Stamford Hospital, 353 note.
State: Aid to towns for insane, 236. Institutions, experience with, 466. Relief by: Laws *re*, 138 *et seq.*, 208 *et seq.*, 323 *et seq.* Contract for poor, 139, 209, 323; with towns, 324; liability for burial of paupers, 326; of veterans, 390; for county homes, 413; for criminal insane, 244, 374, 375, 379; feeble-minded, 380; industrial school, reform school, 426; incurable children, 423; insane, 369; poor in 1838, 141; in 1875, 209; released convicts, 208, 323; under three months' law, 100, 140, 209; for unsettled paupers, 208, 323 *et seq.*, 327; legal allowance, 209; veterans' headstones, 391; soldiers' monuments, 392; limits, 138, 139, 209. Settlement of town accounts, 140, 209, 324. *Vid.* Colony, Insane.
State's Attorneys: Duties *re* criminal insane, 244, 374; insane, 359; releases from jails, 226, 350.
State Reform School: Laws *re*, 255 *et seq.*; proposal, 1850, 255; authorization, 255; alternative sentence, 256; boys under ten, 256, 259; cost, 257, 259; escape, 257; government, 256; indenture to, 257; support, 257; management, 256; religious instruction, 257; supervision by board of charities, 214; support, 257, 258; statistics, 259; terms, 256, 259; those committed, 256, 258; trustees, authority to transfer or refuse admission, 257. *Vid.* Conn. School for Boys.
Strangers: Entertainment of, 23 *et seq.*, 27, 31, 68, 69, 70, 99, 106; limited to persons without settlement in Conn., 101; limited to those warned or removed, 173, 174 note; unauthorized residence, 25, 31, 32, 68; warning, 29, 30, 68, 99.
Summary: Chap. 1, 57 *et seq.*; chap. 2, 95 *et seq.*; chap. 3, 169 *et seq.*; chap. 4, 272 *et seq.*; chap. 5, 451 *et seq.*; 1634-1904, 455 *et seq.*
Support, cost of, 1757-59, 86.
Surgeon-general, member soldiers' hospital board, *q. v.*, 393.

Tariffville, 324, 371; statistics, 336; condition of, 337 *et seq.*
Tax: Abatement, authority of selectmen, 148, 175, 335; cases, 87; laws *re*, 147, 174, 335; limited to local taxes, 224; record of, 103. Summary, 1634-1904, 460. Exemption, Laws *re*, 45, 86 *et seq.*, 146 *et seq.*, 223, 334; of blind, 249, 386; of negroes, 224; of pensioners, 251, 388; of veterans and their relatives, 388. Levy, for support of poor, 41; by selectmen for poor, 45, 88, 149, 224, 335. Tax List, basis of liability of new towns, 74, 107, 176. Military Commuta-

TION, exemption of veterans, 250. POLL, amount, 86, 147, 223; exemptions, 86, 146, 223, 334, 387; of veterans, 250, 387. Removal for non-payment of tax, 102.
Thomaston, incorporated, 280.
Tolland County, 220, 436 note.
Towns: Authority *re* admitting inhabitants, 26; *cf.* SETTLEMENT; bastardy suits, 81, 127, 130, 312; bringing back poor inhabitants, 103, 106, 113, 137, 207, 323; contract for poor, 134; limits, 320; withdrawal, 320; institutions, 423; maintaining almshouses, 134, 321; in another town, 206, 320; maternity hospitals, 403; removing paupers to town of settlement, 70, 99, 106, 137, 174 note, 207, 323; to almshouse or contractor, 134. Contracts for town poor, 335. Contracts with towns by state, 324. Domicile, proof of, 327. DUTY OF TOWNS, 40 *et seq.*, 81 *et seq.*, 134 *et seq.*, 206 *et seq.*, 319 *et seq.*, 327; *re* insane, 90; medical care, 321; state paupers, 324, 325, 328. Fraudulent liability, evidence *re*, 328. LIABILITY not affected by mistake *re* settlement, 212; *re* liability, 328; selectmen not to settle or submit to arbitration questions of liability, 146; *re* county homes, 414; criminal insane, 244, 374, 375, 378; insane, 360, 369; feeble-minded, 380; incurable children, 423; its inhabitants, 29, 30, 83 note, 134, 206, 319; former inhabitants, 102, 105, 134, 207, 280, 321; resident non-inhabitant after six years, 101, 105, 134, 138; repealed, 173, 207; *not* liable for poor, when, 143; for slaves, 38, 144; sick strangers, 29; workhouse, 150; under certificate law, 71, 99; for family divisible, 212; for pauper minor in family chargeable to town, 212. Need of pauper, evidence *re*, 331. Not bound by arbitration, when, 281. REIMBURSEMENT of individuals for relief, 135, 136, 144, 206, 321, 328, 329; for mistake *re* liability, 330; by state for relief, 138 *et seq.*, 209, 324 *et seq.*; of towns for burial, 137, 322, 326; of towns for relief, 136, 207, 322, 328, 330; legal allowance, 207, 322, 330; legal evidence, 331; selectmen proper witnesses, 146; settlement of accounts, 213; valid notice, 136, 145, 207, 212, 322, 329. Relief, method of, regulated, 319. State aid for insane poor, 236.
Town Clerk: Age certificates, 446; birth record, 446.
Town Treasurer: Duty *re* soldiers' orphans, 253; penalty, 253.
"Townsmen," defined, 31.
Truancy: Arrest and punishment, 271, 450; of girls, 271, 450; notice, 271, 450; suspension of judgment, 271, 450; town regulations, 269, 271, 449.
Truant Officers: Appointed by city or town, 271, 449; authority, 449.
Tuberculosis, appropriations, 353.
Turner's Dipsomaniac Retreat, 200.

Vagrancy: Laws *re*, 59 *et seq.*, 149 *et seq.*, 224 *et seq.*, 345 *et seq.* Act of 1875, 346; 1879, 346. Causes, 60, 351, 460. Detention of transients and sentence, 346. Early policy, 59; early punishment, 59. Imprisonment, 347. Report of 1875, 345. Statistics, 1875, 345; 1903, 351. Summary, 1634-1904, 460. VAGRANTS: Movements of, restricted, 32; not sent to reform school, 256; removal of, 33; sentenced to jail, 60; whipped, 60, 61. *Vid.* WORKHOUSE.
Vital Statistics, Registrar of, 402, note; reports *re* boarding of infants, 402.

Wages, regulation, 57.
Wallingford, 222; neglect of insane, 90.
Ward, not to be removed, 113; settlement by commorancy, 111.
Warning, of strangers, 30, 68, 99. *Vid.* SELECTMEN, STRANGERS.
Waterbury: Incorporation, 74; children in almshouses, 421; duty *re* poor, 74; expense for poor, 218; out-door relief, 343.
Waterbury Hospital, 353 note.
Waterbury, District Court, 310, 436 note.
Watkinson Juvenile Asylum, 262, 264.
West Haven, 84.
Whipple Home School, 248.
Widows: Laws *re* support, 79, 124, 199, 305; relief of legatee, 305; settlement, 279. *Vid.* SETTLEMENT.
Wife, settlement of, *vid.* SETTLEMENT.
Windham, 342.
Windham County, 220.
Windsor, 220; neglect of pauper, 84.
Windsor Locks, 336.
Winsted, Litchfield Co. Hospital, 353 note.
Wolcott, 218, 310 note.
Woodbridge: Incorporation, 74; duty *re* poor, 74.
Workhouse: Laws *re*, 61 *et seq.*, 149 *et seq.*, 225 *et seq.*, 347 *et seq.* Child under 16 not committed unless, 425. Commitment for non-support, 182, 284; bond in lieu, 284. Chaplains, 227. Escapes, 351. Exclusion from state reform school, for whom, 227. Jails as workhouses, 60, 225, 349. Surplus earnings, 227. Venereal disease, detention for, 350. *Vid.* VAGRANCY. COLONY: Act of 1727, 61 *et seq.*; administration, 63; discharges, 66; escapes, 66; location, 62; management, 62; overseers, 65; supplementary laws, 64; those committed, by whom, 62. COUNTY: Acts of 1750, 1753, 1769, 66, 67; erection, 66, 67; management and administration, 66, 348; overseers, 67; women sentenced to New-Gate Prison, confined in, 152. JAILS: Authorization, 60, 225, 349; administration, 225; dis-

charges, 349; inspectors, 225; releases, by inspectors, 225; by state's attorneys, 226; sentences, alternative, 226, 349; those committed, 225, 350; terms, 225, 350. TOWN: Authorization, 150, 227; administration, 150, 153, 347; alternative sentences by justice, 152, 226; appeals to county court, 227; to superior court, 227; maintenance, 151, 348; those committed, 151; supervision by selectmen, 150, 347.

ERRATA

P. 26, line 9, read Nov., not May.
P. 33, note 5, omit par. 2.
P. 34, line 1, read 1707, not 1702.
P. 70, note 1, read 1750, not 1702.
P. 87, note 8, read iii, not ii.
P. 143, note 1, read c. 28, not c. 18.
P. 152, note 2, read 177, not 178.
P. 154, note 10, read c. 77, not c. 87.
P. 186, line 6, read 1867, not 1866.
P. 192, note 5, read 1863, May, not 1863.
P. 204, note 2, read May, c. 36, not C. 36.
P. 226, note 3, read 1862, May, not 1862.
P. 259, note 4, read May, c. 41, not C. 41.
P. 259, note 9, read 1864, May, not 1864.
P. 268, note 5, read May, c. 62, not C. 62.
P. 359, note 5, read 1895, c. 256, not c. 162.
P. 407, note 2, read 1883, c. 126, not c. 123.

VITA

The author was prepared for college at the English High and Public Latin schools in Boston, Mass. After passing the entrance examinations for Harvard College, he entered Amherst College, which in 1894 conferred upon him the degree of B. A. He then entered Hartford Theological Seminary, from which he was graduated in 1898. He was given the John S. Welles fellowship, upon which he studied for two years and a half in Columbia University, taking courses under Professors Burgess, Clark, Giddings, Mayo-Smith, and Seligman, of the Faculty of Political Science. Since 1901 he has held the position of alumni lecturer at Hartford Theological Seminary, giving courses on the Public Charities of Connecticut and Sociological Aspects of the Work of Foreign Missions. He has contributed to *The Hartford Seminary Record* an article entitled "Hartford Seminary in Foreign Missions," which was later reprinted as a pamphlet; and to *Charities* a study of "The Treatment of Truancy in New York City."